AN EXPOSITION OF CERTAINE DIFFICULT and obscure words, and Termes of the Lawes of this Realme.

NEWLY AMENDED AND augmented, both in French and English, for the help of such young Students *as are desirous to attaine to the knowledge of the same.*

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FINIS.

Abatement of a writ or plaint.

ABatement of a writ or plaint, is when an action is brought by writ or plaint, wherein is lacke of sufficiente & good matter, or else the matter alleaged is not certainly set downe, or if the plaintife or defendant, or place, are misnamed, or if there appeare variance betweene the writ and the speciaitie, or record, or that the writ or the declaration be uncertaine, or for death of the plaintife or defendant, and for diuers other like causes, then vpon those defaults, the defendant may pray that the writ or plaint may abate, that is to say, that the plaintifes suit against him may cease for that time, and that he shall begin againe his suite, and bring a new writ or plaint, if he be so disposed to doe. But if the defendant in any action plead a matter in barre, for to annull the

Abatement de briefe ou plaint.

ABatement de briefe ou plaint, est quant vn action est port per brief ou plaint, en que fault suffi-cient & bone matter, ou autrement le matter alleage nest certeinment alleage, ou si le plaintife ou defendant, ou lieu, sont misnome, ou si la appeare variance per-enter le briefe & le spe-cialtie, ou record, ou que le briefe ou declara-tion sont vncerteine, ou pur mort del plaintife ou defendant, & pur diuers autres semblable causes, donques sur ceux defaults, le defendant poit prie que le briefe ou plaint abate-ra, cest adire, que le suit del plaintife enuers luy cessera pur cest temps, & que il commencera au-ter temps son suit, & port vn nouel briefe ou plaint, sil soit isint dispose a faire. Mes si le def-en ac-cun action pled vn matter en barre pur adnuller le

action

action a tous iours, il ne viendra apres a pled' in abatement de bꝛ, mes si apres il appiert in le Record q̄ est ascun matt apparant purque le bꝛ doit estre abaī, donq; le def. ou ascun aut pson, vt amicus curiæ poit būplede & mꝛe ceo in arrest de iudgement.

action for euer, he shal not come afterwards to plede in abatement of the writ, but if after it appere in the record, that there is some matter apparant, for the which the writ ought to be abated, the the def. or ante perſō as a frend to ꝑ court may well plede & shew the in arrest of iudgement.

Vies les titles de briefe, Misnosm, & variance en les abcidgements, & le liuer appel le Digests del briefes, in quel est fort bū entreat especialment de ceux matters.

See the titles of writ, Misnosmer and Variance in the Abridgements, and the booke called ꝑ Digests of writs, in which it is verꝛ well entreated, especially of these matters.

Causes de Abatement de briefe ou pleint.

- Fault de { sufficient ou bone } matter
- Le matter nest certeinment alledge.
- plaintiffe / defendant / ou lieu { Misnosme
- variance enter { Briefe / Specialitie / ou Record
- vncerteintie del { Briefe / Count / ou declaration
- Mort { Plaintife ou defendant

2 *Abatement en terres.*

ABatement en terres ou tents est quād vn home

Abatement in lands.

ABatement in landes or tenements is whē a man dieth

dieth seased of lands or tenements, & one ẏ hath no right entreth into ẏ same lands or tenemẽts before ẏ heire maketh his entrie, this entrie of him is called an abatement, & he an Abator. But if the heire enter first after the death of his auncestor, & the other enter vpon the possessiõ of the heir, this entry of him is a disseisin to the heire. Look in ẏ book of entries fol. 63. c. & 205. d. & 519. e. where this worde Abatement is called in latin, Intrusio, And I think it better to call it in latin Interpositio, or Intratio per interpositionem, to make a difference betweene this word & intrusion after the death of the tenãt for life.

3 *Abbot.*

Abbot was ẏ soueraigne head, or chiefe of those houses, which when they stood were called Abbies, & this Abbot together wẽ the mõks of ẏ same house, who were called the couẽt made a corporation: such a Soueraigne of any such house shall not be charged by ẏ act of his predecessor,

morust seisi de terres ou teñtes, & vn que nad droit entra en mesmes les terres, ou tenements, deuãt q̃ le heire fait son entrie, cest entrie de luy est appel vn abatement, & il vn abator. Mes si le heire enter primes apres le mort de son ancestor, & le auter enter sur le possession del heire, cest entre de luy est vn disseisin al heire. Vide liuer dentres fol 63. c. & 205. d. & 519. c. lou cest abatement est appel en latin Intrusio. Et ieo entende destre melius de appeller ceo in Latin Interpositio ou Intratio per interpositionem de faire difference inter ceo & Intrusion puis mort tenant pur vie.

Abbot.

Abbe fuit le soueraigne teste ou principal de ceux measons queux quãt ils fuerent, fuerent appel Abbies, & cẽ abbe ensemble oue les Moygnes de m̃ le meason, q̃ux fuer̃ appel le couent, fier̃ vn corpor̃, & tiel soueraigne de ascun tiel meason ne ferr̃ charge per act de son predecessor,

fil

ſil ne ſoit per cõmon ſeale, ou pur tiel choſe que vient al vſe de ſon meaſon. Auxi vn Abbe ne ſerra charge pur le det en que ſon commoigne fuit en det deuant ſon entr en religion, meſq; le creditor ad de ceo vn eſpecialtie, ſinon que il auoit deuenus al vſe de ſon meaſon: Mes les executors del commoigne ſerra charge one ceo.

Vide pur ceo en le Abridgements meſme title, deſouth quel veies coment aſcuns de ceux fuerõt electiue, aſcun preſentatiue, Et coment fueront perfect, & lour auctoritie. Et en cel title ſont auxy comprehẽd touts autres Corporations ſpirituall, come Prior & ſon Couent, Frieres & Canons, Deane & Chapter.

4 *Abbettors.*

ABbettors ſont en diuers caſes diuerſemẽt priſe: vn kind de abbettors ſont ceux q̃ malicioſimẽt ſans droiture cauſe ou deſert, procur̃ autres de ſuer faux appeales de murder ou felonie enuers homes al entent de troubler & greuer

if it be not by cõmon ſeale, or for ſuch thinges which commeth to the vſe of his houſe. Alſo an Abbot that not be charged for the det of his Monke before hys entre in religion, though the creditor haue an eſpecialtie therof, except that it haue come to the vſe of his houſe: But the executors of the Monke ſhal be charged therewith.

Looke for this in the Abridgements the ſame title, vnder which you ſhall ſee that ſome of them were electiue, ſome preſentatiue, And how they were made gouernors, and their authorities. And in this title are alſo comprehended all other Corporations ſpirituall, as Prior & his Couent, Friers & Canons, Deane and Chapter.

Abbettors.

ABbettors are in diuers caſes diuerſly taken: one kind of abbettors are they that maliciouſly with out iuſt cauſe or deſert do procure other to ſue falſe appeals of murther or felonie againſt men, to the intent to trouble & greeue them,

them, and to bring them to infamy & slaunder. Abettors in murders are those that command, procure, counsell, or comfort others to murder. And in some case such abettors shall be taken as principals, & in some case but as accessories: So in other felonies. And their presence at the deed doing, & their absence maketh a difference in the case. There are abettors also in treason, but they are in case as principals, for in treason there are no accessories.

Looke more in the booke called the Pleas of the Crown, made by the right worshipfull Judge Sir W. Stamford, in the titles of Accessories, and Damages in appeal.

Abeiance.

ABeiance is when a lease is made for term of life, the remainder to the right heires of I. S. which I. S. is living at the time of the grant, now by this grant the remainder passeth from the graunteour presently, yet it resteth not presently

eux, & pur faire eux en infamy & slaunder. Abettors en murder sont ceux que commaund, procure, counsell, ou comfort auters de murder. Et en ascun case tiel abbettors serront prises come principals, & en ascun case forsq; come accessories: Ilsint en auter felonies. Et lour presence a le chose fait, & lour absẽce de la fait vn difference en le case. Il y ad abbett auxi en Treason, mes ils sont en cas come principals, car en treason il ny ad ascun accessories.

Veies pluis de ceo en le lieur appelle les Pleas del Crowne, compile per le treſreuerend Indge Sir W. Stamford, en les titles de Accessories, & Damages en appeal.

Abeiance.

ABeiance est quant vn leas est fait pur terme de vie, le remainder al droit heires de I. S, le quel I. S. est en vie al temps del grant, Ore per cest graunt le remainder passa hors del grauntor maintenant, vncore il ne vesta maintenant,

tenant, ne prist effect en le grantee, cest adire le droit heire de I. S. mes est dit deste en abeiãce, ou come les Logiciens appelle ceo in potentia, ou in intellectu, & come nous dionus in nubibus, cestassauoir, en le consideration de le ley, Que si I.S. morust eyant vn droit heire en vie, & viuant le lessee pur vie, donques ceo est vn bone remainder, & a ore veste & vient en le dit droit heire, entiel sort que il poit graunt, forfait, ou autrement dispose ceo, & cessa deste ore en abeyance, pur ceo que il est vn a ore de abilitie pur prender ceo, pur ceo qne I.S. est mort & ad reliquisshe vn droit heire en vie, le quel ne poit estre viuant I.S. car durãt son vie nul poit properment este dit son heire. Itẽ si vn home soit patron dun esglise, & presente auter a ceo, Ore est le fee des terres ou tenements perteignant al rectory en le parson, mes si le pson morust & le esglise est devenus void, donque est le fee en abeyance, tanque

ley, nor taketh hold in the grantee, that is to say, the right heire of I. S. but is said to be in abeyance, or els as the Logicians terme it in power, or in vnderstãding, and as wee say in the clouds, that is to wit, in the consideration of the law, That if I. S. die hauing a right heir, & liuing the lessee for life, then this is a good remainder, & now resteth & commeth into the right heire in such sort, as that he may graunt, forfaite, or otherwise dispose the same, & ceaseth to bee any more in abeiance, for that there is one now of abilitie to take it because that I. S. is dead, & hath left a right heire in life, which could not be liuing I. S. for ỹ during his life none could properly be said his heire. Also if a man be Patrõ of a Church, & presenteth one to ỹ same. Now is the fee of the lands & tenementes perteyning to the rectorie in the parson, but if ỹ parson die and the Church is become voide, then is the fee in abeiance, vntil

there

there bee a newe Parson presented, admitted, and inducted, for the Patron hath not the fee, but onelie the right to present, and the fee is in the incumbent that is presented, & after his death, it is in no bodie but in abeiance, till there be a new incumbent as is aforesaid.

See Lit. his 3. booke c. 11. fol. 145. And Park. fol. 12.

6 *Abisherfing.*

A Bisherfing (and in some copies Misherfing) is to bee quit of amerciaments before whom soever of transgression proued.

7 *Abiuration.*

A Biuration is an oth that a man or woman shall take when they haue committed felony, & flie to the Church or churchyard, or to any other place priuiledged for sauegarde of their liues, chosing rather perpetuall banishment out of the realme, then to stand to the law & to be tried of the felony, in which case before the Coroner he shall make such confession, which may make a sufficient indite-

il soit vn nouel Parson present admit & inductear le Patron nad le fee, mes solement le droit de presenter, & le fee est in le incumbent, que est present, & puis son mort, il nest en ascun mes en abeiance, tãque il soit vn nouel incumbent come est anant dit.

Veyes Lit. lib. 3. Cap. 11. fol. 145. & Park. fol. 12.

Abisherfing.

A Bisherfing (& in ascun copies Misherfing) hoc est quietum esse de amerciamẽtis corã quibuscunq; de transgressione probata.

Abiuration.

A Biuration est vn serement, q̃ home ou feme preygnount quant ils ont commisse felonie, & fue al Esglise ou cemitorie, ou auter lieu priuiledge pur tuitiõ de lour vyes eslisant pluistost ppetual banishment hors de Realme, que a estoier a le ley, & destre trie del felony. En cel case deuant le Coroner il ferra tiel confession que puit faire sufficient endyte-

ment

ment de felony, donques le Coroner al common ley luy serra de abiure la Realme, & assignera a luy a quel Port il alera, & luy iura que il ne va hors del hault chimin, & que il ne demurra a le port, (si il poit auer bone passage) forsque vn flood & vn ebbe, & si il ne poit auer passage, que il alera chescun iour durant xl. iours en la meare a son genu: Mes si tiel felon que abiure ala hors de la chimin, & fua a auter lieu, si il soit prise, il serra amesne deuaunt le Iudge, & la auera iudgement destre pendus. Mes sil que issint pria la priuiledge ne voile abiure, donques il auera la priuiledge pur xl. iours, & chescun poit luy doner vyand. Mes si ascun done luy vyand apres xl. iours, mesque il soit sa feme, tiel doner est felonie. Auxy cestuy que abiure serra deliuer per vn Constable al auter, & de vn franchise al auter, tanque il vient a son port, & si le

ment of felony, then the Coroner at the common law shall make him to forsweare the Realme, & shal assigne him to what Port he shall go, & shall sweare him that he go not out of the high way, and that he should not abide at ye port (if he may haue good passage) but one flood & one ebbe, & if he cannot haue passage, then he shall go euere day during xl. daies in ye sea to the knees: But if such a felon as abiureth go out of the high way, & flieth to an other place, if he be taken, he shall be brought before ye Iudge, & there shal haue iudgmēt to be hanged. But if he which so prayeth the priuiledge will not abiure, thē he shal haue the priuiledge for xl. daies, & euery man may giue him meat and drink. But if any giue him sustenance after xl. daies, although it be his wife, such giuing is felony. Also he that doth abiure shal be deliuered from one Constable to an other, & from one frāchise to an other, til that he come to his port, and

and if the Constable will not receiue him, hee shalbe grieuously amerced. Look the 6th in the Treatise de Abiuratione Latronum.

And this law was instituted by S. Edward the Confessor a King of this Realme before the Conquest, and was grounded vpon the law of mercie, & for the loue and reuerence no doubt that hee & other his successours did beare vnto the house of God, or place of prayer and administratiō of his word and sacraments, which we call the Church. Note this law is now chaunged by the statutes 21. H. 8. cap. 2 22. H. 7. ca. 14. and 32. H. 8. cap. 12. by which it appeareth, that hee at this day shall not abiure the Realm, but all his libertie of this realme, and all his liberall and free habitations, resorts and passages from all places of this Realme, to one certaine place in this realme thereto limitted by 32. H. 8. c. 13 & 33. H. 8. cap. 15. Looke more in Stamf. lib. 2. Cap. 10.

Et ceſt ley fuit *inſtitute* per S. Edward le Confeſſor, vn Roy de ceſt Realme deuant le Conquest, & fuit ground de le ley de mercie, & pur le amour & reuerence ſans doubte, que il & autres ſes ſucceſſors porteront al meaſon de Dieu, ou lieu de praiers & adminiſtration de ſon parol & Sacraments, le quel nous appellomus le Eſgliſe. Nota cel ley eſt ore change per Statutes 21. H. 8. cap. 2. 22. H. 8. Cap. 14. & 32. H. 8. cap. 12. per queux appiert, que il a cel iour ne abiurera le Realme, eins tout ſon libertie de ceſt Realme, & tout ſon liberal & franke habitations, reſorts & paſſages de tours leux de ceſt Realme, a vn certaine lieu en cel realme a ceo limit per 32. H. 8. cap. 13. & 33. H. 8. cap. 15. Vide plus inde Stamf. lib. 2. Cap. 10.

8 *Abridgement de plaint ou demaund.*

ABridgemẽt de plaint ou demand eſt lou vn port vn Aſſiſe, briefe de dower, briefe de gard, ou tiel ſemblables, en queux caſes pur ceo que le briefe de Aſſiſe eſt, de libero tenemento, come en briefe de dower, le briefe eſt, Rationabilem dotem quæ eam cõtingit de libero tenemẽt W. ſon baron. Et en vn briefe de gard, le briefe eſt Cuſtod' terrarum & hæredis &c. ſans monſtre aſcun auter certaintie en les briefes: mes en le pleint del aſſiſe ou demaund en le briefe de dower, & en le count en briefe de gard, le plaintife ou demaundant monſtra le certaintie des acres, ou parcels de terre, la ſi le tenant plede Nontenure, ou iointenancy, ou aſcuu auter tiel ſemblable plee a parcel del terre demaund, en abatement del briefe donques le plaintife ou demaundant poit agbriger ſon plaint, ou demaund al ceſt parcel, cẽ adire, il poit

Abridgement of a plaint or demaund.

A Bridgement of a plaint or demaund, is where one bringeth an Aſſiſe, writ of dower, writ of ward, or ſuchlike, in which caſes for that the writ of Aſſiſe is, de libero tenemento, as in a writ of dower, the writ is, Rationabilem dotem quæ eam cõtingit de libero tenemento W. her huſband. And in a writ of ward the writ is Cuſtod' terrarũ & heredis &c. without ſhewing ante certaintie in theſe writs: but in the pleint of the aſſiſe or demand in the writ of dower, and in the count in the writ of ward, ỹ plaintife or demaundant is to ſhew the certainty of ỹ acers, or parcels of land, then if the tenant pleadeth Nontenure, or ioyntenancy, or ſome other ſuch like plee, to parcell of the land demaunded in abatement of the writ, then the plaintife or demaundant may abridge his plaint, or demaund to that parcell, that is to ſay, her may leave

leaue out that part & pray that the tenant shall answer the rest to which hee hath not yet pleaded anie thing. The cause is for that in such writs the certaintie is not set downe, but is generally, and notwithstanding the demaundant hath abridged his plaint or demand in part, yet the Writ remaineth good still for the rest.

9 *Accedas ad Curiam.*

ACcedas ad Curiam is a Writ directed to the Shirife, commaunding him to go to such a Court of some Lord or franchise where a plaint is sued, for taking of beasts as a distresse, or any false iudgement is supposed to bee made in any suite which hath bin in such a Court which is not a Court of record, and that the Shirife shall there make record of the said suit in presence of the suitors of the same Court, and of foure other Knightes of the Countie, & certifie it into the Kings Court, and at that day that is limitted in the Writ.

omit hors cest part & prie que le tenant respondra al rest a que il ne ad vncore plede ascú chose. Le cause est pur ceo que en tiels briefes le certtaintie nest mise, mes est generalmẽt, & nient obstant le demandant ad abridge son plaint ou demaund en part, vncore le briefe demurre bõ pur le residue.

Accedas ad Curiam.

ACcedas ad Curiam est vn briefe direct al Vicont, luy commaundant de aler a tiel court dascun Seignior ou franchise lou vn plaint est sue pur prisel del auers come distresse, ou ascun faux iudgement est suppose destre fait en ascun suit que fuit en tiel court, quel nest court de record, & que le Vicont la ferra record del dit suit en presence del suitors de mesme le Court, & de quatuor auters Chiualers de le Countie, & ceo record certifier al court le Roy, & a cel iour quel est assigne en le briefe.

Acceptance.

ACceptance est vn prendrans en bon gree, & come vn agreement al ascun chose fait deuant, le quel puit auer este vnfait & auoide (si tiel acceptãce nad estre) per luy ou ceux que issint accepta, si come pur example: si vn Euesque deuant statute fait anno primo Elizabeth lesse terre part del possessions de son Eueschery pur ans reseruant rent & morust, & puis vn auter est fait Euesque, le quel accepta, cest adire, prist ou receiue le rent quant il est due & doit estre pay, ore per cest, acceptance le lease est fait perfect & bon, le quel autrement le nouel Euesque poit assets bien auoide & faire frustrate.

Semblable ley est, si vn home & sa feme seisi de terres en droit del feme ioyn & font lease ou feffement per fait reseruant rent, & le baron morust, el accepta ou receiua le rent, per cel le feoffement ou leas est fait perfect & bon & serra barre a luy de porter sa briefe appel *Cui in vita.*

Acceptance.

ACceptance is a taking in good part, and as it were an agreeing vnto some act dõe before, which might haue bin vndone & auoided (if such accepteãce had not bin) by him or the ỹ so accepted, as for example: if a Bishop before the Statute made in the first yeare of Eliz. lease part of the possessions of his Bishoprick, for term of yeres reseruing rent & dieth, and after another is made Bishop, who accepteth, that is to say, taketh or receiueth ỹ rent when it is due, & ought to be payed, now by this acceptance ỹ lease is made perfect and good, which els the new Bishop might very well haue auoided & made frustrate.

The like law is, if a man & his wife seised of land in the right of the wife, ioyne & make lease or feffement by deed, reseruing rent, & the husband dieth, shee accepteth or receiueth ỹ rent, by this ỹ feoffemẽt or lease is made perfect and good, & shal bar her to bring her writ called Cui in vita.

11 Ac-

11 Accessories.

ACcessories are in two sortes, ỹ one before the offence, the other after the offence is done. Accessorie before the fact or offence, is he that commandeth or procureth another to dor felonie, & is one there present himselfe when the other doth it, but if hee be present thē he is also principall. Accessorie after the offence is hee that receiueth, fauoureth, aideth, assisteth or comforteth ante man that hath done ante murder or felony whereof hee hath knowledge, such an accessorie shall be punished, and shal haue iudgement of life and member, as well as the principal ỹ did the felonie: but such an accessory shal neuer be put to that till the principal be attaint or conuict, or bee outlawed thereupon. But a woman in such case shal not bee accessorie for helping her husband, in great or high treason as well the commaunders as the assisters & receiuers arter bee alwates principals

Also one may be acces-

Accessories.

ACcessories sont en deux sortes, lun auaūt le fact, le auter puis le fact fait. Accessorie deuant le fait est celuy que commanda ou procura auter de faire felony, & nest la present luy mesme quaunt lauter le fait, mes sil soit present donques il est auxi principal. Accessorie puis le fait est celuy que receiua, fauora, aida, assist, ou comfort ascun home que ad fait ascun murder ou felonie, dont il ad couusance, tiel accessorie serra punish, & auera iudgement de vie & de member, auxybien come le principal que fist le felonie: Mes tiel accessorie ne serra iammais mis a responder a céo tanque le principal soit conuict ou attaint, ou soit vtlage de ceo. Mes vn feme en tiel case ne serra accessorie pur le aider de son baron, en grande ou hault Treason sibien les commaunders, come les assisters & receiuers apres, sont touts foits principals.

Auxy vn poit estre ac-

cessorie al accessorie, si cõe vn feloniousment receive vn auter que est accessorie al felonie, la le receiuer est vn accessorie.

Veies pluis del accessorie en le dit Lieur de les Plees del Crowne, le primer Lieur, Cap. 44.45.46. 47.48.49. & 50.

12 *Action.*

ACtion est le forme de vn suit done per le ley de recouer chose, come action de det & tiels semblables.

Vide Lexicon Iuris pur action.

13 *Actions personals.*

ACtions personals sont tiels actions per queux home claime det ou auter biens, & chateux, ou damage pur eux, ou damage pur tort fait a son person, & est properment cel q̃ en le Ciuil ley est appel actio in personam, quæ a duersus eum intenditur, qui ex cõtractu vel dilicto obligatus est aliquid dare aut cõcedere.

14 *Actions reals.*

ACtions reals sont tiels Actions per queux le demaundant claim title al ascun

sorte to an accessorie, as if one feloniously receive an other that is accessorie to felonie, there the receiuer is an accessorie.

See more of accessorie in the said booke of Plees of the Crowne the first booke, cap. 44.45.46.47.48 49 & 50.

Action.

ACtion is the forme of a suit giuen by the Law to recouer a thing, as an action of debt and such like.

See the Lexicon of the law for action.

Actions personals.

ACtiõs personals be such actions wherby a man claymeth debt or other goods and chatels, or damage for them, or damages for wrong done to his person, and it is properlie that which in the Ciuill law is called Actio in personam, which is brought against him, who is bound by couenant or default to giue or grant any thing.

Actions reals.

ACtions reals be such actions wherby the demandant claimeth title to ante

anie landes or tenements, rents or commons, in fee simple, fee taile, or for terme of life.

15 *Action populer.*

ACtiõ populer is an action which is giuẽ vpon the breach of some penall statute, the which action euery man that will, may sue for himselfe & the Queene, by informatiõ or otherwise, as the statute alloweth, & the case requireth. And of these actions there bee an infinite number, but one for example as: when any of the Iurie that are impanelled and sworne to passe betweene party & party indifferently, do take any thing of the one side or other, or of both parties to say their verdicts on that side, then any man that will within the yeare next following ỹ offence made may sue a writ called Decies tantum, against him or the ỹ so did take to giue his verdict, & because ỹ this actiõ is not giuen to one specially, but generally to any of the People as will sue, it is called an actiõ populer, but in

ascun terres ou tenements rents ou commons, in fee simple, fee taile, ou pur terme de vie.

Action populer.

ACtion populer est vn action que est done sur le breach dascũ penal statute, le q̃l action chescun home q̃ voit poit suer pur luy meisme & le Roigne, per information ou auterment, cõe le statute allow & le case require. Et de ceux actions il y ad infinite nũber, mes vn pur example est: Quant ascun del Iury que sont impanel & iurus de passer perenter party & party indifferentmẽt, prist ascũ chose de lun part ou lauter, ou de ambideux partres pur lour verdict dire al ceo part, donques ascun home q̃ voit deins lan procheine ensuant le offence fait, poit suer vn briefe appel Decies tantum enũs luy, ou ceux q̃ issint prist p̃ lour verdit dire, & pur ceo que cest action nest don al vn home specialment, mes generalment al asc' de les peopl' del R. q̃ voit suer, il est appel vn action populer, mes en

cel case, quant vn avoit cõmence de pursuer cel action, nul auter poit ceo suer, & en ceo come semble cel varie del action populer per le Ciuill ley.

16 *Action mixt.*

ACtion mixt est vn suit done per la ley de recouer le chose demaund, & auxy damages pur le tort fait, come en Assise de Nouel disseisin, quel briefe (si le disseisor fait feoffement al auter) le disseisee avera vers le disseisor & le feoffee ou auter terre tenant, & en ceo recouera son seisin del terre & ses dammages pur le mean profits, & pur le tort a luy fait. Et issint est vn action de Wast & Quare impedit. Mes vn action de Detinue nest appel action mixt, comẽ p ceo le chose detenus est demaund, & serra recouer si poit este troue, & damages pur le detain, & si ne poit estre troue, donq; damages pur la chose & la deteiner.

Mes ceo est appell solement action personal que serra port solemẽt pur biens ou chattels, ou charters.

this case whẽ one hath begun to pursue an action, no other may sue it, and in this as it seemeth this doth vary from an action populer by the Ciuill law.

Action mixt.

ACtion mixt is a suit giuen by the law to recouer the thing demanded, & also damages for ỹ wrong done, as in Assise of Nouel disseis. ỹ which writ (if ỹ disseisor make a feoffemt to another) ỹ disseisee shal haue against ỹ disseisor, & the feoffee or other land tenãt, & thereby shall recouer his seisin of the land & hys damages for ỹ meane profits, & for the wrong done vnto him. And so is an actiõ of Wast & Quare imp. But an actiõ of Detinu is not called an actiõ mixt although by it ỹ thing withheld is demanded, & shalbe recouered if it may be found & damages for ỹ withholding & if it cannot be found, thẽ damages for ỹ thing & ỹ detayning. But ỹ is called only an actiõ personal, because that it should bee brought only for goods & chattels, or charters.

17 *Action*

17 *Action of a writ.*

ACtion of a writ, is a phraſe of ſpeech vſed when one pleadeth ſome matter, by which he ſheweth þ the plaintife had no cauſe to haue þ writ which he brought, & yet it may be that hee may haue another writ or action for the ſame matter: ſuch a plee is called a plee to the action of the writ, whereas if by the plee it ſhould appeare, that the plaintife hath no cauſe to haue any action, for the thing demãded, thẽ it ſhall be called a plee to the actiõ.

18 *Action vpon the caſe.*

ACtion vpon the caſe, is a writ brought againſt one for an offence done wt out force, as for not performing promiſe made by the defen. to the plaintife, or for ſpeaking of words, by which the plaintife is defamed, or for other miſdemeanor or diſceit, where the whole caſe ſhal be contained in the writ.

19 *Action vpon the ſtatute.*

ACtion vpon the ſtatute, is a writ founded vpon

Action del briefe.

ACtion del briefe eſt vn phraſe del parlance, vſe quant vn plede aſcun matter, per que il monſtre que le plaintife nad cauſe dauer le briefe qne il port, & vncore poit eſte que il poit auer auter briefe ou action pur meſme le matter: tiel ple eſt appell plee al action del briefe, lou ſi per la plee appiert que le plaintife nauerait aſcun cauſe de auer aſcun action pur le choſe demand, donques ceo ſera dit plee al actiõn.

Action ſur le caſe.

ACtion ſur le caſe eſt briefe port enuers vn pur aſcun offence fait ſans force, come pur nient performance del promiſe fait per le defendant al plaintife ou pur parlance des parols per queux le plaintife eſt defame, ou pur auter miſdemenor ou diſceit, lou tout le caſe ſarra contenus en le briefe.

Action vpon the ſtatute.

ACtion ſur le ſtatute eſt briefe foundue ſur aſcun

cun eſtatute, lou per aſcun eſtatute vn action eſt done a vn en aſcun caſe lou nul tiel action fuit deuant: Come lou vn commit periurie al preiudice dun auter, celluy que eſt dampnifie auera briefe ſur le eſtatute & ſon caſe. Et le difference enter action ſur le ſtatute & action Populer eſt, que lou le ſtatute done le ſuit ou action al partie grieue, ou autrement, a vn perſon certaine ceo eſt appel Action ſur le ſtatut: Mes lou p le ſtatute authority eſt done a cheſc' que voyle de ſuer, ceo eſt appel action populer.

any ſtatute, where by anie ſtatute an action is giuen to one in any caſe where no action was before: As where one cõmitteth periurie to the preiudice of an other, her which is indamaged ſhall haue a Writ vpõ the ſtatute & his caſe, And the differẽce betweẽ an action vpõ the ſtatute, & action Populer is, that where the Statute giueth the ſuit or actiõ, to the partie grieued, or otherwiſe to one perſon certaine, that is called action vpon the Statute: But where by the Statute authoritie is giuen to euerie one that will ſo ſue, that is termed action Populer.

30

Accompt.

ACompt, eſt vn briefe, & gift lou Baylife ou receiuer daſcun Seigniour ou dauter home, que doit render accompt, ne voit render ſon accompt, donques celuy a que laccompt doit eſte rende, auera ceſt briefe. Et per leſtatute de Weſtminſter 2. capitulo 10. ſi laccomptant ſoit troue in arrera-

Accompt.

ACompt is a writt and it lyeth where a Baylife or a Receiuer to anp Lord or other man, which ought to render account, wil not giue his account, thẽ he to whõ the account ought to bee giuen, ſhall haue this writte. And by the Statute of Weſtminſter 2. Chap. 10. if the Accomptant bee founde in arrera-

ges,

ges, the Auditours which bee assigned to him, haue power to awarde him to prison there to abide till hee haue made agreement to the partie. But if the Auditours will not allow reasonable expence & costs, or if they charge him with moe receits then they ought, then his next friend that will sue for him, shall sue a Writ of Ex parte talis out of the Chauncerie directed to the Shiriffe to take iiij. mainpernors to bring his bodie before the Barons of the Exchequer at a certaine day, and to warn the Lord to appeare there at a certain day.

ges, les Auditors que sont a luy assignes, ount power de a garder luy a prison la a demurrer tanque il ad fait gree al party Mes si les Auditours ne viollont allower reasonable expence & costage, ou sils chargeront luy oue plusours receipts quant ne dussent, donques son procheyne amye, que voit suer pur luy, suera vn briefe de Ex parte talis hors del Chauncerie, dire & al Vicount de prender iiij. mainpernours de render son corps deuant les Barons del Exchequer a certaine iour, & de garner le Seigniour dappeyer la a mesme le iour.

21 *Accord.*

ACcord is agreemẽt betweene two at the least, to satisfie an offence ỹ the one hath made to the other, when a man hath done a Trespasse, or such like vnto another, for the which he hath agreed with him to satisfie & content him with some recompence, which if it be executed and performed, thẽ becauſe that this recompence, is a full

Accord.

ACcord est vn agreemẽt penter deux al meins pur satisfie vn offence que le vn ad fait al auter, Quaunt vn home ad fait vn trespas ou tiel semblable al auter, pur le quel il ad agree oue luy de satisfier & content luy oue recompence, quel si soit executed & perfourn, donques pur ceo que cest recompence, est vn pleine

satis-

satisfaction pu[illegible] offence, il serra vn bon barre en le ley, si lauter apres laccord perfourme, voit suer arere vn action pur mesme le trespas.

Nota que le primer est ꝓprement appelle vn Accord, le auter est vn contract.

22 *Accquitall.*

ACquitall est quant, il y ad Seignior, mesne, & tenant, & le tenant tient de le mesne certeine terres ou tenements en frankealmoigne, franke-mariage ou tiels semblables, & le mesne tient ouster auxy de le Seignior paramount ou deuant luy. Ore doit le mesne acquite ou discharge le tenant, de tout & chescun maner de seruice, que ascun auter voit auer ou demaund de luy concernãt mesmes les ters ou tenements, pur ceo que le tenant doit faire le seruice a le mesne tantsolement, & nemy al diuers Seigniors pur vn tenemẽt, ou parcel del terre. Mesme le ley est ou il est Sñr, mesne, & tenãt come auãtdit, & le mesne granta al tenãt (sur le tenure fait parenter

satisfaction for the offence, it shall be a good barre in the lawe, if the other after the accorde performed, should sue againe any action for the same trespasse.

Note that the first is properly called an accord, the other a contract.

Accquitall.

ACquitall is where there is a Lord, mesne, and tenant, and the tenant holdeth of the mesne certaine lands or tenemẽts in frãkalmoigne, frankmariage or such like, and the mesne holdeth ouer also of ẏ lord paramount, or aboue him. Now ought the mesne to acquite or discharge the tenant, of all & euery maner of seruice, ẏ any other wold haue or demaund of him, cõcerning the same lands or tenements, for ẏ the tenant must doe his seruice to the mesne only, and not to diuers Lordes for one tenement or parcel of land. The same lawe is where there is one Lorde, mesne, and tenant as aforesaide, and the mesne graunteth to the tenant (vpon the tenure made betweene thẽ)

to

to acquite and discharge him of all rents, seruices, and such like: This discharge is called acquitall.

Like law is if the tenant holdeth of his meine by like seruices, as the meine holdeth ouer of the Lord, & the tenant doth or paieth his seruices to the meine, but the meine doth not his seruices to the chiefe lord, wherefore he distreineth the beastes of the tenant. In this case the meine for the equalnes of the seruices ought to acquit the tenant of the seruice due vnto the Lord.

Acquitance.

Acquitãce, is a discharge in writing of a summe of money, or other duetie which ought to bee payed or done: As if one bee bound to pay money vpon an obligation, or rent reserued vpon a lease or such like, and the partie to whom the money or duetie should bee payed or done, vppon the receite thereof, or vpon other agreement betweene them had, maketh a writing or bill of his hande, in discharge

pur acquiter & discharger luy de touts rents, seruices & tiels semblables, Ceste discharge est appel Acquital.

Meisne le ley est, si tenant tient de son meisne per autiels seruices, come le meisne tient ouster del Seigniour, & le tenant fayt ou paye seruices al meisne, mes le meisne ne seisoit ses seruices al Seignior paramount, per que il distreine les bestes del tenant en cel case le meisne pur le ouelty del seruices doit acquitter le tenaunt del seruices due al Seignior.

23 *Acquitance.*

Acquitance, est vn discharge en escript dun summe de mony, ou auter dury, quel doit este pay ou fait: si come vn soyt oblige de payer mony sur vn obligation, ou rent reserue sur vn leas, ou tiel semblable, & le partie a que le mony ou duety doit este pay, ou fait, sur le resceit de ceo, ou sur auter agreement parenter eux ewe, fait escript, ou bil de son maine en discharge

de

de ceo testmoinaunt que il est paye, ou autrement cõtent, & pur ceo acquite, & discharge luy de ceo, le quel acquitaunce est tiel discharge & barre in le ley, que il ne poit demand & recouer mesme le summe ou duty auter foits contra a ceo, sil poyt monstre le acquitance.

Cest paroll differt ab hoc, quod in iure ciuili aeceptitatio dicitur, quæ illud fieri potest verbo sine scripto, & nihil aliud est quam ficta solutio & liberatio, licet solutio non sit: nec Apocha dici potest, quæ cautio est solutæ datæue pecuniæ, quæ non liberat nisi pecunia soluta sit.

thereof, witnessing that he is paid, or otherwise contented, and therefore doth acquit and discharge him of the same, which acquitance is such a discharge & barre in the law, that he cannot demand and recouer that summe or duty against contrarie thereunto if he shew the acquittance.

This worde differeth from those which in ẏ Ciuill law be called Acceptitatio, or Apochia, because Acceptitatio maye bee by word without writing, & is nothing but a fayned payment and discharge, though no paimẽt be had, And Apocha is a writing witnessing the paiment or deliuerie of money which dischargeth not vnles the money be paied.

24 *Actes.*

Actes de parliament sont leys positiue que consist de deux partes, cest adiẽ de les parols del act, & del sence de ceo, & ils ambideux ioint ensemble font la ley.

Actes.

ACtes of parliament, are positiue Lawes which consist of two partes, that is to say, of the wordes of the Acte, and of the sence thereof, & they both toyned together make the law.

Additions.

ADdition, est ceo que est done al home ouster

25 *Additions.*

ADdition, is that which is giuen vnto a man ouer

ner and beſides his proper name & ſirname, that is to ſay, to ſhew of what eſtate or degree, or myſterie he is, and of what Towne or Hamlet or Countie.

Additions of eſtate are theſe, yeoman, gentleman, Eſquire and ſuch like.

Additions of degree are thoſe that wee call names of dignitie, as Knight, Erle, Marques & Duke.

Additions of myſterie are ſuch, ſcriuener, painter, maſon, carpenter, taylor, ſmith, and ſo all other of like nature, for myſterie is the craft or occupation whereby a man getteth his liuing.

Additions of townes as Sale, Dale, and ſuch others, and ſo of the reſt.

And where a man hath houſeholde in two places he ſhal bee ſaid to dwell in both of them ſo that his addition in one of them doth ſuffice.

By the ſtatute the firſt yeare of K. the 5, & Chapter the 5. it was ordained that in ſuites or in actions where proceſſe of bilage-

ſon proper noſme & ſirnoſme, ceſt adire, pur monſtrer, de quel eſtate, ou degree, ou miſterie il eſt, & de que Ville ou Hamlet ou Countie.

Additions de eſtate ſont ceux, yeoman, gentleman, Eſquire, & tiels ſemblables.

Additiõs de degree ſont ceux q̃ nous appellomus noſmes de dignitie, come Chiualer, Coũte, Marques & Dux.

Additions de miſterie ſont ceux, ſcriuener, painter, maſon, carpenter, tailor, ſmith, & iſſint toutes auters de ſemblable nature, car miſterie eſt le craft ou occupation, per que home gaine ſon liuing.

Additions de villes cõe Sale, Dale, & tiels auters, & iſſint de les auters.

Et lou vn home ad houſhold en deux leux, il ſerra dit demurr en ambideux, iſſint que ſon addition en vn de eux ſuffiſt.

Fuit ordeine per leſtatute Anno 1. Henrici 5. Cap. 5. que en ſutes ou actions, ou proces dur-

lagarie

lagarie gist, tiels additions serra al nosme defendant, a declarer son estate, misterie & lieu ou il enhabite, & que tiels brieves abateront sils ne ount tiels additions, si le defendant prist exception a ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marquesse, Counte, ou Chivaler ne sont pas del ceux additiõs, mes nosmes de dignitie, queux duissont auer estre done deuant le Statute.

Et ceo fuit ordeigne per le dit Statute fait en le primer an de Roy H.le 5.cap. 5. al intent q̃ vn home ne serroit greeue ne trouble pur le vtlagarie de vn auter: Mes que per reason de le certayne addition, chescun home poyt este certainmẽt conus, & portera sa burden demesne.

26 *Adiournement.*

ADiournement est quant ascun Court est dissolue & determine, & assigne destre garde arrere al auter lieu ou temps, & moy semble est com-

ry lyeth, such additions should bee to the name of the def. to shew his estate misterie and place where he dwelleth, and that such writs shall abate, if they haue not such additions, if the defendant take exception thereto, but they shall not abate by the office of the court.

Also Duke, Marques, Earle, or Knight, bee none of that addition, but names of dignitie, which should haue bin giuen before the Statute.

And this was ordeined by the said Statute made in the first yeare of king H. the 5. cap. 5. to the intent, that one man might not bee grieued nor troubled by the vtlarie of an other: But that by reason of the certaine addition, euerie man might bee certainly knowen and beare his owne burden.

Adiournement.

ADiournement is when any Court is dissolued and determined and assigned to bee kept againe at another place or time, and methinketh is compound-

ded

ded of two words (ad) or (al) and iour.

pound de deux parolx (ad) ou (al) & iour.

27 *Admeasurement de Dower.*

ADmeasurem̃t de dower is a writt, and it lyeth where a wom̃ is indowed by an infant, or by a gardein of more then shee ought to haue, the heire in such case shall haue this writt, by the which the woman shalbe admeasured, & the heire restored to ỹ ouer plus. But if one abate, ỹ is to say, one which hath no right entreth after ỹ death of the husband, and endow the wife of him ỹ is dead, of more then shee ought to haue, the heire shall not haue this writt, but Assise of Mortdauncester against the wom̃, & if shee plead ỹ shee was endowed of the land as of the freehold of her husband, the heire shal shew how she was endowed by the abator, & that she had more then shee ought to haue, & shall pray that hee may be restored to the surpulsage, and if it bee found he shalbe restored.

Admeasurement de Dower.

ADmeasurem̃t de dower est vn briefe, & gist lou vn feme est endow per vn infant, ou per vn gardein de pluis que deuoit auer, le heire en tiel case auera cest briefe, per quel le feme serra admeasure, & le heire restore a le surpulsage. Mes si vn abate, cest adire, vn que nad droit enter apres le mort le baron, & endow la feme de cestuy que est mort, de pluis que doit auer, le heire n̄uera cest briefe, mes Assise de Mordaunceſter vers la feme, & si el plede que el fuit endowe de ceo terre come del franketenement si baron, le heire monstra coment el fuit endowe per le abatour, & que el ad pluis que deuoit auer, & priera que il soit restore al surpulsage, & si soit troue, il serra restore.

Admeasurement de pasture.

ADmeasurement de pasture, est vn briefe, & gist lou pluſors tenaunts ont common appendant en auter terre, & vn ſurcharge le commō oue pluſors auers: Donques lauters commoners poyent auer ceſt briefe vers luy, & auxy poit eſtre port per vn commoner ſolement: mes donques couient eſtre port vers touts lauters commoners, & vers ceſty que ſurcharge, pur ceo q̄ touts les commoners ſerront admeaſures.

Et ceſt briefe ne gist vers luy, ne pur luy que ad cōmon appurtenant, ou cōmon ingroſſe, mes ceux que ont common appendant, ou common p cauſe de viſinage.

Vide le diuerſitie de touts ceux cōmons apres en le title de Common.

Auxy ceſt briefe ne gist pur le Seignior, ne vers le ſeignior, mes le ſeignior poit diſtraine les auers le tenant que ſont ſurpluſage. Mes ſi le Seignior ſurcharge le common, les

Admeaſurement de pasture.

ADmeaſurement de paſture is a writ, & it lieth where many tenants haue common appendant in an other ground, & one ouerchargeth the commō with many beaſtes: Then the other cōmoners may haue this writ againſt him, and alſo it may be brought by one commoner onely: but then it behooueth to bee brought againſt all the other commoners, and againſt him that ſurcharged, for that all the cōmoners ſhalbe admeaſured.

And this writ lyeth not againſt him, nor for him that hath commō appurtenant or common ingroſſe, but the which haue common appendant, or common by cauſe of viſinage.

See the diuerſities of all theſe commōs afterwards in the title of Common.

Alſo this writ lyeth not for the Lord, nor againſt the Lord, but the Lord may diſtraine the beaſts of the tenant that be ſurpuſage. But if the Lord ouercharge the common, the com-

commoner hath no remedy by the commō law, but an Assise of his common.

29 *Administrator.*

ADministrator is hee to whom the ordinary cōmitteth the administratiō of the goods of a dead mā for default of an executor, & an action shal lie against him and for him, as for an executor, & he shalbe charged to ẏ value of ẏ goods of the dead man & no further, if it be not by his own false plee, or for that ẏ hee hath wasted the goods of the dead. But if the administrator die, his executors bee not administrators, but it behooueth the ordinary to commit a new administrator: But if a stranger ẏ is not administrator nor executor take ẏ goods of the dead, & administer of his own wrōg, hee shall be charged & sued as an executor, and not as administrator in any actiō that is brought against him by any creditor. But if the Ordinarie make a letter ad Colligendum bona defuncti, hee that hath such a letter is not admini

commoners nont remedie ꝑ le common ley, mes vn Assise de son common.

Administrator.

ADministrator est celuy a que le ordinary commit le administration des biens la mort pur default de executors, & action gist vers luy, & pur luy come pur executor, & serra charge iesques al value des biens le morr & nient ouster, sil ne soit per son faux plee, *ou pur ceo que* il ad wast les biens le mort. Mes si le administratour deuie, ses executors ne sont administrators, mes *couient* al Ordinarie de commit nouel administration: Mes si vn estrange que nest administratour ne executor prist les biens le mort, & administer de son tort demesne, il serra charge & sue come executor, & nemy come administrator en ascun action que est port vers luy per ascun creditor. Mes si le ordinary fait vn briefe ad Colligendum bona defuncti, celluy que ad tiel letter nest admini-

strator, mes laction gist vers le ordinary auxy biē come sil prist les biēs en son main demeisne ou p le maine de ascun de ses seruants p auter commandement.

30 *Admirall.*

ADmirall est vn officer south le Roigne, que ad aucthoritie sur le mere tantum, pur veier le nauie repaire & maintaine pur suppresser & chaser dehors estimures de mere, & de faire droit de contractes perenter partie & partie, concernant chose fait sur & ouster le mere, & pur cest purpose il ad son court appel le Admiraltie. Il poit causer son Citation destre serue sur le terre & prender le corps del party ou biens en execution sur le terre.

Itē il ad cognisance del mort ou maihem de vn home fait en ascun grand nieſe fleetant en graunde ryuers en le Realme, debase les pōtes de eux prochein al mere.

Auxy pur arrest nieſes en les graund streames pur les voiages del Roigne & realme, & ad iurisdictiō en

Admirall.

strator, but the actiō lyeth against the Ordinary as well as if he took ꝯ goods to his own hand, or by the hād of any of his seruants by any other cōmandemēt.

Admirall.

ADmirall is an officer vnder the Queene, that hath aucthoritie vpon the Seas onely to see the nauie prepared and maintained to suppresse and chase away robbers and rouers, and to iudge of contracts, betweene partie and partie, concerning thinges done vpon and beyond the seas, and for that purpose hath his Court called the Admiraltie. Hee may cause his Citation to be serued vpon the land, & take the parties body or goods in in execution vpon the lād.

And also hee hath cognisance of ꝯ death or maihem of a man committed in any great ship fleeting in great riuers in the realm, beneth the bridges of the same next the sea.

Also to arrest ships in ꝯ great streams for the voiages of the R. e Realme, and hath iurisdiction in the

the saide streames during the same voyages.

31 *Ad quod dampnum.*

AD quod dampnum is a Writt which ought to be sued before ỳ K. grant certaine liberties: As a Faire, Market, or such like which may be preiudiciall to others. And by it shalbe inquired if it should bee a preiudice to graunt them, & to whom it shall be preiudiciall, and what preiudice shal come thereby.

32 *Aduowson.*

ADuowson is where a man & his heires haue right to present their clerk to the Ordinary to a Parsonage, or other spirituall benefice when it becommeth void. And he which hath such right to present is called Patron.

33 *Age prier.*

AGe prier is whē an action is brought against an Infant of lands which hee hath by discent, there he shall shew the matter to the court, & shall pray that the action may stay til his full age of xxj. yeares, & so by awarde of the Court, the suit shall surcease.

en les dits streames durāt mesme viages.

Ad quod dampnum.

AD quod dampnum est vn briefe que doit este sue deuaunt le Roy graunt certaine liberties: Come Faire, Market, ou tiels semblables queux poient este preiudicial all auters. Et per ceo serra inquise si serroit preiudice a graunter eux, & a que serra preiudicial, & que preiudice ent auiendra.

Aduowson.

ADuowson est lou vn home & ses heires ont droit de presenter lour clerke al Ordinarie al vn parsonage, ou auter spiritual benefice quāt il deuient void. Et celuy que ad tiel droit de presenter est appel patron.

Age prier.

AGe prier est quant action est port vers enfant de terre que il ad per discent, la il monstra le matter al court, & priera que le action demurra tanque a son plein age de xxj. ans, & issint p agard del Court le suit surcessera.

Mes en briefe de dower & en Aſſiſe, & auxy en tiels actions lou le infant eſt ſuppoſe a vener all terre en demaund de ſon tort demeſne, il nauera ſa age.

Auxy nota que ſont pluſors diuerſities de ages, car le Seigniour auera ayde de ſon tenaunt en Socage pur marrier ſa file, quant le file le Seignior eſt del age de ſept ans. Et auxy aide pur faire ſon fites & heire chiualer, quant il eſt del age de ſept ans.

Auxy feme que eſt eſpouſe al age de ix. ans, ſi ſa baron moruſt ſeiſi auera Dower, & nemy deuant ix. ans.

Auxy xiiij. ans eſt le age de feme que ne ſerra en gard, ſi el fuit de tiel age all temps del mort ſon aunceſter, mes ſi el fuit deins age de xiiij. ans, & en gard ſon Seignior, donques el ſerra en gard tanque al age de xvj. ans. En auxy xxj. ans eſt le age de hire male deſtre en gard, & apres ceo hors de gard.

But in a writ of dower and in Aſſiſe, and alſo in ſuch actions where the infãt is ſuppoſed to come to the lande demaunded by his owne wrong, her ſhall not haue his age.

Alſo note well ỹ there be many diuerſities of ages, for the Lord ſhal haue aid of his tenaunt in Socage for to marry his daugheer, when the daughter of the Lord is of the age of viij. yeares. And alſo aide for to make his ſonne & heire knight, when hee is of the age of xij. yeares.

Alſo a woman which is married at the age of ix. yeares, if her huſband die ſeiſed ſhall haue dower, & not before nine yeares.

Alſo xiiij. yeares is the age of a woman that ſheer ſhal not be in ward if ſhee were of ſuch age at ỹ time of ỹ death of her anceſtor, but if ſhe were within the age of 14. yeres, & in ward of the Lord, thẽ ſhe ſhalbe in ward till the age of xxj. yeres. And alſo xxi. yeares is the age of the heire male to be in ward, and after that out of ward.

And

And also it is the age of male & female to sue and to be sued of lands which they haue or claime by discent, & to make all manner of contracts & bargains, & not before: but if such an infant within ỹ age of 21. yeares giue his goods & ỹ donee take thē, the infant may haue an action of trespas, but otherwise it is if he deliuer them himselfe.

Et auxy il est de age de male & female de suer & destre sue des terres, que ils ont ou claime per discent & de fait touts manners contracts & bargaines & nient deuaunt mes si tiel infant deins age de xxj. ans done ses biens, & le donee eux prist, le enfaunt poet auer vn action de trespas, mes autrement il est sil deliuer eux.

24 *Agreement.*

AGreement, is after this sort defined or expounded in Maister Plowdens Commentaries. Aggreamentum is a worde compounded of two wordes, namely, of Aggregatio, & Mentium, that is to say, agreement of mindes, so that agreement is a consent of mindes in some things done or to be done, and by drawing together of the two wordes, Aggregatio and Mentium, and by the hastie and short pronouncing of them they bee made one woord, to witte, Aggreamentum, which is no other thing then a ioyning, putting,

Agreement.

AGreement, est en cest manner define ou expounde en Maister Plowdens Commentaries. Aggreamentum, est vn parol compounde de deux parolx, cestaſcauoir, de Aggregatio & Mentium, cest adire agreement de ments, iſſint que aggreamentum est aggregatio mentium in re aliqua facta vel facienda, & per le contraction de les deux parolx, Aggregatio & Mentium, & per le correpte & briefe parlance de eux, ils sont fait vn parol, cestaſcauoir, Aggreamentum, le quel nest auter choſe, que vn vnion, collecte

copulation & coniunction de deux ou plusours ments in ascun chose fait ou deste fait. (Veies apres en testament.) Et cest agreement est in 3. manners.

Le primer est vn agreement executed en fait al commencement.

Le second, est vn agreement puis vn act fait p auter, & est vn agreement executed auxy.

Le tierce est vn agreemt executory ou deste fait en temps vncore a vener.

Le primer que est vn agreement executed en fait al commencement, est tiel de que mention est fait en le statute de 25. Edward. 3. cap. 3. de pannis in le quart Statute que dit, que les biens & choses achates per forestallers, que de ceo serr̄ot attaintes soient forfaites all Roygne, si le achator ent vst fait gree al vendour. En quell case, cest parol (Gree) que est auterment appel agreement, serra entende agreement execute. viz. paiment pur les choses.

copling and knitting together of two or moe minds in any thing done or to be done. (See after in testament.) And this agreement is in three manners.

The first is an agreement executed alreadie at the beginning.

The secōd is an agreement after an act done by another, and is an agreement executed also.

The third is an agreements executorie or to bee done in time yet to come.

The first which is an agreement executed alreadie at ꝑ beginning is such, whereof mention is made in the statute of 25. Ed. 3. cap 3. of cloathes in the 4. statute, which saith: That the goods and thinges bought by forestallers, being thereof attainted shalbe forfait to the Queene, if the buyer there of haue made gree with the seller. In which case the worde (Gree) which is otherwise called agreemēt, shal be understood agreement executed, that is, payment for the thinges.

The

The second maner of agreement is wher one doth a thing, or acte, & another agrees or assents thereto afterwards, as if one do a disseisin to my vse, & afterward I agree to it, now I shall be a disseisor from the beginning, and such agreement is an agreement after an act done.

The third agreement is when both parties at one time are agreed that such a thing shalbe dõe in time to come, and this agreement is executorie in as much as the thing shall be done after, and yet there, their minds agreed at one time, But because the performãce shalbe afterward and the thing vpon which the agreement was made remaines to be done, that agreement shall be said executorie. And that the statute of 26. H. 8. cap 3. doth proue where it saith, that euery vicar, parson, & such like, &c. before their actuall possession, or medling to the profites of their benefices shall satisfie, contẽt &c. or agree to pay to the M. the first fruits, &c. & le

Le second maner de agreement est lou vn fait vn choſe ou acte, & vn auter agree ou assent a ceo apres, come si vn fait disseisin a mon vſe, & apres ieo agree a ceo, ore ieo serra disseisor ab initio, & tiel agreement est vn agreement puys vn act fait.

Le tierce agreement est quaunt ambideux parties a vn temps sont accords que tiel choſe serra fait en temps a vener, & ceo agrement est executorie entant que le choſe serra fait apres, & vncore la lour ments accord a vn temps. Mes entant que le performance serra apres, & issint le choſe sur que lagrement fuit fait, remaine a faire ceo agreement serra dit executorie. Et ceo le statute 26. H. 8. Cap. 3. proue, ou il dit, que chescun Vicar, Parson, & tiel &c. deuaunt lour actual possession ou medling oue les profits de lour benefice satisfiera, contẽt, &c. ou agreera a paier al vſe le Roigne les primer fruits &c. Et si aſcun

alcun tiel Parson, vic' &c. enter en actuall possession, &c. ceo agreement est deste entende executorie, come le common vsage proue, car est vse, q̄ il oue vn ou deux oue luy faiēt deux vel trois obligations pur ceo deste pay en certaine iours apres, & cest agrement executory, est deuide in deux points. Vn est agreement executory, que est certaine al commencement, come est dit darrain deuāt del primer fruits.

Lauter est lou le certaintie nappiert al primes & les parties sont accords q̄ le chose serra performe, ou pay sur le certainty conus, come si vn vend al auter tout son wheat en tiel tasse en son barne nient thresh, & il est agree parenter eux, que il payera pur chescun bushell 12. d. qnant il est thresh, cleane, & measure.

any such Parson or vicar, &c. enter in actuall possession, &c. this agreement is to be vnderstood executory as the comon vse proues, for it is vsed that hee with one or two with him, doe make two or three obligations for it to bee payed at certaine dayes after, and this agreemēt executory is deuided into two points. One is an agreement executorie wh is certaine at the beginning, as is saide last before of the first frutes.

The other is where the certainty doth not appere at the first, and the parties are agreed that the thing shall be performed or paid vpō the certainty known, as if one sell to another all his wheate in such a tasse in his barne vnthreshed, & it is agreed betweene the, p̄ he shall pay for euery bushell 12. d. when it is threshed, cleane & measured.

35 *Ayde.*

AYde, est quant tenaunt a terme de vie, tenaunt en dower, tenaunt per le curtesie, ou tenant en taile aps possibilitie dissue ex-

Ayde.

AYde, is when a tenant for terme of life, tenant in dower, tenant by curtesie, or tenant in taile after possibilitie of issue ex-

tinct

thet is impleaded then for that they haue no estate but for terme of life, they shall pray in ayde of him in the reuersion & processe shall be made by Writ against him, to come & plead with the tenant in the defence of the land if he will, but it behoueth that they agree in the plee, for if they vary, the plee of the tenant shalbe taken, and then the aide prayer is voide, but if hee come not at the second Writ, then the tenant shal answere sole.

Also tenant for terme of yeares, tenant at will, tenant by Elegit, & tenant by statute merchant, shall haue aide of him in the reuersion, & the seruant and bayly of their master, who they haue done any thing lawfullie in the right of their master, shal haue aid.

tinct est implede, donques pur ceo que ils nont que estate pur terme de vie, ils praieront aide de cestuy *in le* reuersion, & proces serra fait p briefe vers luy, de venir & pleder oue le tenaunt, en defence del terre si voyle, mes il couient, que ils accorde en plee: car fils varie, le plee le tenaunt, serra prise, & donques leyde pryer est en vaine, mes si ne vient al second briefe, le tenaunt respondera sole.

Auxy tenant pur terme de ans, tenant a volunt, tenant per Elegit, & tenant per statute marchant aueront ayde de cestuy en la reuersion, & le seruant & bayly de lour Maister, quat ils ont fait aseun chose loialment, en le droit lour master, aueront ayde.

36 *Ayde de Roy.*

AId of the king, is in like case as it is said before of a common person, and also in manie other cases where the King may haue Iolle, although that the tenaunt bee tenaunt in fee

Ayde de Roy.

AYde de Roy, est en semble case come est dit deuant de cõmon person, & auxy en plusors autres cases, lou le Roy puyt auer perde, coment que le tenaunt soit tenaunt in fee simple

simple, il auera ayde, come si vn rent soit demand vers tenant le Roy, que tient en chiefe, il auera aide, & issint nauera de auter person.

Auxy lou vn Citie ou Borough ad vn fee farme del Roy, & ascun chose est demaund vers eux que apperteine al fee farme, ils aueront aide p̄ le perde le Roy.

Auxy home auera ayde de Roy en lieu de voucher. Auxy le Baylife, Collector, & Purueiour del Roy aueront ayde del Roy, auxy bien come les officers de auters persons.

simple hee shall haue aide, as if a rent be demaunded against the kings tenant, which holdeth in chiefe, he shall haue aid, & so he shall not of a common person.

And where a Citie or Borough hath a fee farme of the king, and any thing be demaunded against the which belongeth to the fee farme, they shall haue aide for the losse of the king.

Also a mā shal haue aid of the king in the stead of voucher. Also the kings Baillife, the Collector, and Purueiour shal haue aide of the king, as well as the officers of other persons.

37 *Ayle.*

AYle, est vn briefe que gist lou terre descend de layel a son neuiew, viz. fits, ou file del fites de layell, le pier esteant mort, deuaunt entrie per luy, & vn abate, le heire auera vers le abator cel briefe.

Ayle.

AYle, is a writ which lyeth where land discendeth from the grandfather to his nephewes. 2. the son or daughter of the son of the grandfather, the father being dead before the entry by him, & one abateth, the heire shal haue against the abator this writ.

38 *Alien.*

ALien, est celuy q̄ pere & il melm̄ fuer ambideux

Alien.

ALien is he whose father and himselfe were both borne

borne out of the Queenes legiance, and if such an alien being none of the Q. enemies, but an allie frend come & dwell here in England and haue issue, this issue is not alien but English. So if an English man go ouer the seas with the Queenes licence and there hath issue, this issue is no alien.

nee hors del legiaunce le Roygne, & si tiel alien, nestant vn enemie del Roigne, mes vn alien amy vient & demurr cy en Engleterre & ad issue, cest issue nest alien mes Anglois. Issint si vn Anglois ala ouster le meere oue le licence del roigne & la ad issu, cest issu nest alien.

39 *Alienation.*

ALienation, is as much to saye, as to make a thing another mans, or to alter or put ꝑ possession of lands or other thing from one man to another.

Alienation.

ALienation, idem est q alienum facer de alter, ou mitter le possession de terre ou auter chose de lun home al auter.

40 *Ambidexter.*

AMbidexter, is hee that whē a matter is in suit betweene men taketh money of the one side and of the other, either to labour the suit, or such like, or if he be of the Jurie, to say his verdict.

Ambidexter.

AMbidexter, est celuy que quaunt vn matter est in suit parenter homs, prist money de lun part, & del auter, ou pur labor le suit, ou tiels semblables, ou sil soit del iurie, pur dire son verdict.

41 *Amendement.*

AMendement, is when error is in the Proces, the Justices may amende it after iudgement. But if there be error in giuing of iudgement, they may not amend it, but the partie is

Amendement.

AMendement, est quant error est en le Proces, les Iustices poyent ceo amender apres iudgement. Mes si error soit en iudgement done, ils ne poient amēder ceo, mes le party est

mise

mise al briefe de errour. Et in plusors cases lou le default appiert en le clerke que escriera la Record il serra amende: Mes tiels choses que vient per information del partie cõe le ville, misterie, & huiusmodi ne serra amend, car il doit informer veray a son perill.

42 *Amercement.*

AMercement, plus properment est vn penaltie assesse per les piers ou pares del partie amercie, pur vn offence fait, come pur default de suit de court, ou pur non amend' de ascun chose que il suit appoint de redresser deuaunt, ou pur tiel semblable cause, en quel case la partie que offend soy mist en le mercie del roy ou Seigniour, & sur ceo cel penaltie est appel Amercement.

43 *Amercement royall.*

AMercement royall, est quant vn Vicont, Coron ou auter tiel officer del Roigne est amercie per les Iustices pur son misdemeaning en le office, quel si ne serra dit fine.

put to his writte of error. And in many cases where the default appeareth in the clark that writt the Record it shal be be amended: But such things as come by information of the partie as the towne, misterye, & such like, shall not be amended, for hee must informe true vpon his perill.

Amercement.

AMercement, most properly is a penalty assessed by the piers or equals of the partie amerced, for an offence done, as for lack of suit of Court, or for not amending or some thing that he was appointed to redresse by a certaine time before, or for such like cause, in which case, the partie which offendeth putteth himselfe in the mercie of the king or Lorde, and thereupon this penaltie is called Amercement.

Amercement royal.

AMercement royal, is when a sheriffe, Coroner or other such Officer of the Queene is amerced by the Iustices for his abuse in the office, learne if it shall not be said a fine.

An

44 *An, iour & waſt.*

AN, iour & waſt, is a forfaiture whē a mā hath committed petit treaſon, or felonie, and hath lands which hee holdeth of ſome cōmon perſon, which ſhall bee ſeiſed for the Queene, and remaine in her hands by the ſpace of one yeare & a day next after the attainder, and then the trees ſhalbe digged vp, the houſes ſhall be raiſed & pulled downe, and the paſtures & meadowes eired and plowed vp, ſo that he to whom the lande ſhoulde come by eſchete or forfaiture do not redeeme it of the King, a thing the more to grieue the offenders and terrefie others to fal into the like, in ſhewing how the lawe doth deteſt their offence ſo farre forth as that it doth execute iudgement & puniſhment euen vpon their dumbe & dead things.

An, iour & waſt.

AN, iour & waſt, eſt vn forfaiture, quant vn hōe ad fait petit treaſon ou felonie, & ad terres queux il tient de aſcun common perſon q̄x ſerra ſeiſi pur le Roigne & remaiñ en ſa maines p la ſpace de vn an & vn iour procheine apres le attainder, & donques les arbres ſerront deroſſe, les meaſons ſerront raſes, & les paſtures, & prees aires & plowed, ſinon que il, a que le terre deuenera per leſchete ou forfeiture, ne ceo redeem̄ de Roy, vn choſe le plus de greeuer le offendors & terrifie auters de cader en autiel, en demonſtraunce, coment le ley deteſt lour offence, cy auaunt iſſint que il execute iudgement & puniſhment ſur lour mure & mort choſes.

45 *Annuitie.*

ANnuitie, is a certaine ſumme of money granted to an other in fee ſimple, fee taile, for terme of life, or for terme of yeares, to receiue of the graunter

Annuitie.

Annuitie, eſt vn certaine ſūme de money grāt al vn auter, en fee ſimple, fee taile, pur terme de vie, ou pur terme de ans, a receyuoir del graunror

ou

ou ſes heires, iſſint que nul franktenement eſt charge de ceo, de que home nauera vnques Aſſiſe ne auter action, forſque briefe de Annuitie, & neſt aſcun aſſets al heire le grauntee a que il diſcendera.

46 *Appeale.*

APpeale, eſt lou vn ad fait murder, robberie, ou mayhem, donques la feme ceſtuy que eſt tue, auera vn action de appeale vers le murderer, mes ſil nad femme, donques ſon procheine heire male auera le appeale a aſcun temps deins lan & iour apres le fact, Et auxy ceſtuy que eſt iſſint robbe ou maymed auera ſon appeale, & ſi le defendant ſoyt acquite, il recouera damages vers le appellour & labbettours, & ils aueront le impriſonment dun an, & ferra fine al Roy. Appeale de mayhem neſt en manner forſque action de treſpas, car il ne recouera forſque damages.

47 *Appellant.*

APpellant eſt le plaintiſe en le appeale.

or of his heires, ſo that no freehold is charged therewith, whereof a man ſhall neuer haue aſſiſe nor other actiō, but a writ of Annuitie, and it is none aſſets to the heire of the grantee to whom it ſhall diſcend.

46 *Appeale.*

Appeale, is where one hath done murder, robbery, or mayhem, then the wife of him that is ſlaine ſhall haue an action of appeale againſt the murtherer, but if he haue no wife then his next heire male ſhal haue the appeale at any time within a yere and a day after the deed. And alſo hee that is ſo robbed or maymed ſhall haue his appeale, and if the defendant be acquitted, hee ſhall recouer damages againſt the appellor and thabbettors, and they ſhall haue the impriſonmēt of a yere, and ſhall make fine to the King. And appeal of mayhem is in manner but a treſpas, for he ſhall recouer but damages.

47 *Appellant.*

Appellant is the plaintiſe in the appeale.

Appellour

48 *Appellour.*

APpellour or Approuer, is he who hath committed some felonie which hee confesseth and now appeaseth or approueth, that is to say, accuseth others which were coadiutors or helpers with him in doing the same, or other felonies, which thing hee will approue, and therefore is called in Latin Probator.

49 *Appendant & Appurtenant.*

APpendant & Appurtenant, are things that by time of prescription haue belonged, appertayned, & are ioyned to an other principall thing, by which they passe & goe as accessary to the same principall thing, by vertue of these wordes Pertinentijs: as landes, aduowsons, commons, piscaries, wayes, courts, and diuers such like, to a manor, house, office, or such others.

50 *Apporcionment.*

APporcionment is a diuiding into partes of a rent (which is diuideable & not intier or whole) and forasmuch as the thing out

Appellour.

APpellour ou Approuer, est cestuy que ad fait ascun felonie le quel il confesse & a ore appeale, ou approue, cest adire, accuse auters que fueront coadiutors ou aiders oue luy en feasans de ceo, ou auters felonies, le quel chose il voile approuer, & pur ceo est appele en Latin Probator.

Appendant & Appurtenant.

APpendant & Appurtenant, sont choses que per temps de prescription ont belong, appertaine, & sont ioyne al vn auter principal chose, ouesque que ils passont & va come accessarie al mesme principal chose, per vertue de ceux parolx Pertinentijs: come terre, aduowsons, cõmõs, piscaries, chimins, courts, & diuers tielx semblables, al vn manor, meason, office, ou tiels auters.

Apporcionment.

APporcionmẽt est vn deuiding en partes de vn rent (le quel est deuideable & nient intier ou whole) & entant q̃ le chose hors

de quel il fuit deste pay, est seperate & deuide, le rent auxy serra deuide, ayant respect a les partes. Sicome vn home ad vn rent seruice issuant hors de terres, & il purchase parcel de le terre, le rent serra apporcion, accordant al value del terre.

Issint si home tient son terre dun auter p homage, fealtie, escuage, & certaine rent, si le Seignior de que le terre est tenus purchase parcel del terre le rent serra apportion.

Item si home lessa terres pur ans reseruant rent & apres vn estrange recouer part de le terre, donques le rent serra apportion, cest adire deuide, & le lessee payera ayant respect a ceo que est recouer, & a ceo q̄ ore remaine en ses maines accordāt al value.

Mes vn rent charge ne poit estre apportion, ne chose que sont entier: Sicome vn tient terres per seruice de payer a son Seignior annuelment a tiel feast, vn chiuale, esperuer, vn rose, vn chery, ou tiels semblables, la si le Seig.

of which it was to be payed is seperated & deuided, the rent also shall be deuided hauing respect to the parts. As if a man haue a rent seruice issuing out of lāds, & he purchaseth parcell of the land, ꝑ rent shal be appoꝛcioned, accoꝛding to the value of the land.

Also if a man holde his land of another by homage, fealtie, escuage, and certain rent, if the Lord of whom the land is holden, purchase parcell of ꝑ land ꝑ rent shalbe appoꝛtioned.

Also if a man let landes foꝛ yeares reseruing rent, & after a stranger recouereth part of the land, then the rent shall be appoꝛtioned, that is to say, deuided, & the lessee shal pay hauing respect to that which is recouered, and to that which yet remaines in his handes accoꝛding to the value.

But a rent charge cannot bee appoꝛtioned, noꝛ things ꝑ are entire: As if one holde land by seruice to pay to his Lord yearely at such a feast, a horse, a hauke, a Rose, a Chery, oꝛ such like, there if the L. pur-

purchase parcel of the lād, this seruice is gone altogether, because a House, a Doue, a Mose, a Cherie, and such other cannot bee deuided, seuered, or apportioned without hurt to the whole.

51 Appropriations.

APpropriatiōs were whē those houses of the Romish Religion, and those Religious persons, as Abbots, Priors, and such like, had the aduowson of any personage to them & to their successors, and obteined licence of their holy Father the Pope, and of the Ordinarie and King, that they themselues, and their successors frō thence forth should bee Parsons there, and that it shall bee from thence forth a vicarage, and that the Vicar shall serue the cure. And so at the beginning appropriations were made onely to those persons spirituall that could Minister the Sacraments, and say diuine seruice, as Abbots Priors, Deanes, and such like. After by little & little they were inlarged and

purchase parcell de la terre, ceſt seruice est tout ale, pur ceo que vn chiual, esperuer, rose, ou vn chery, & tielx autres ne poient estre deuide, seuered, ou apportion sans damage all entiertie.

Appropriations.

APpropriations fueront quant ceux measons de le Romish Religion, & ceux Religious persons, come Abbots, Priors, & tielx semblables, auoient le aduowson de aſcun parsonage al eux & a lour successors, & obtaine licence de lour S. Pere le Pape, & de le Ordinarie & Roy, que il meſmes & lour successours de ceo en auaunt doyent este parsons la, & il serra en auaunt vn vicrage, & que le Vicar seruera le cure. Et iſſint al commencement appropriations fueront faites solement a ceux persons ſpirituals, que puiſſoient miniſter les Sacramentes, & dire diuine seruice, come Abbes, Priors, Deanes, & tiels ſemblables. Apres per petite & petite ils fueront enlarge &

fait as auters, come nosmement al Deañ & Chapter, quel est corps corporat, consistant de plusors, quel corps ensemble ne puissoit dire diuine seruice: & que pluis suit, al Nuns que fueront Prioresses de ascun Nunry quel fuit chose horrible, entant que ils ne puissoient minister Sacraments ne preacher, ne dire deuine seruice all parochians.

Et tout ceo fuit sur pretence de hospitalitie & maintenance de ycel. Et de supplier cel defectes vn vicar fuit deuise, quel serroit deputie al Priores ou Deane & Chapter, & auxy al darreine al dit Abbeys & autres a dire deuine seruice, & il aueroit pur son labour forsque petite portion, & ils a quel le appropriations fueront fait reteigneront le graund reuenues, & ils fesoient riens pur ceo, per meanes de quel hospitalitie decay en le lieu ou il doit estre chiefement garde, nosmement en le parish ou le benefice fuit, & ou les

made to other, as namelie, to a Deane and Chapter, which is a bodie corporate consisting of many, which body togither, could not say deuine seruice, & that more was to Nuns that were Priorelles of some Nunry, which was a wicked thing, insomuch as they could neither minister Sacramentes nor preach, nor say diuine seruice to the parishioners.

And all this was vpon pretence of hospitalitie & maintenance therof. And to supplie these defectes a Vicar was deuised, who should bee Deputie to the Priores, or to the Deane and Chapter, & also at the last to the said Abbots & others to say diuine seruice, & should haue for his labor but a little portiō, & they to whō the appropriations were made should retaine & great reuenues, & they did no thing for it, by meanes where of hospitalitie decayed in the place where it ought to haue bin chiefly maintained, namely in the parish where the benefice was, & where the

pro-

profits did grow, and so it continueth to this day, to the great hinderance of learning, to the impouerishment of the ministerie, and to the infamie of the Gospell and professours thereof.

The Vicar shall haue certaine portion of the benefice, and the Abbot and the Couent shall be Parsons and shall haue the other profits: This is called appropriation, & then the Abbot & Couent shall be Parsons imparsonees. But such appropriation may not be made to begin in the life of the Parson without his assent.

But if such aduowsons of the parsonage bee recouered by ancient title, then the Appropriation is adnulled. And it is called appropriatiō, for that they holde the profits to their owne proper vse.

52 *Approuement.*

APprouement is where a man hath common in the Lordes waste ground, and the Lorde incloseth part of the waste for himselfe, leauing nevertheless

profites cressoient, & issint il continue tanque a ceste iour, al graund hindrance de erudition, al impouerishment de le ministerie, & le infamie de le Gospell & le professours de y cel.

Le Vicar auera vn certaine portion del benefice, & que le Abbe & le Couent serront parsons & aueront les auters profits: Ceste appel vn appropriation, & donques le Abbe & le Couent serront Parsons imparsonees. Mes tiel appropriation ne poit estre fait a commencer en le vie le parson sans son assent.

Mes si tiel aduowson del parsonage soit recouer per auncient title, donques lappropriation est adnull. Et est appel appropriation, pur ceo que ils teigne les profits al lour proper vse.

Approuement.

APprouement est lou vn home ad commō en le wast terre del Seignior, & le seignior enclose part del wast terre p luy mesme, relinquishant nient obstant

ſufficient common oue egreſſe & regreſſe pur les commoners: Ceſt encloſure eſt appel approuement.

53 *Arbitrement.*

ARbitrement eſt vn award, determination, ou iudgement, quel vn ou pluſors font al requeſt de deux parties all meines, pur, & ſur aſcun det, treſpas, ou auter controuerſie ew perenter les dits parties. Et ceſt appel en Latein Arbitratus & Arbitrium, & ils que font le award ou arbitrement ſont appel Arbitri, en Anglois Arbitrators.

54 *Arreſt.*

ARreſt eſt quaunt vn eſt priſe & reſtraine a ſon libertie. Nul ſerra arreſt pur det, treſpas, detinue, ou auter cauſe de action, mes per vertute dun precept ou commaundement hors de aſcun court. Mes pur Treaſon, Felonie, ou debruſer del peace, cheſcun home ad authoritie de arreſter ſans garrantie ou precept. Et lou vn ſerra arreſt pur felonie, il couient que aſcun Felo-

ſufficient common with egreſſe and regreſſe for the commoners: This incloſing is called approuement.

Arbitrement.

ARbitrement is an award, determination, or iudgment, which one or moe maketh at the requeſt of two parties at the leaſt, for, & vpon ſome debt, treſpas, or other controuerſie had betweene the ſaid parties. And this is called in Latin Arbitratus & Arbitrium, and they that make the award or arbitrement are called Arbitri, in Engliſh Arbitrators.

Arreſt.

ARreſt is when one is taken & reſtrained from his libertie. None ſhalbe arreſted for debt, treſpas, detinue, or other cauſe of action, but by vertue of a precept or commandement out of ſome court. But for Treaſon, Felony, or breaking of the peace, euery man hath authority to arreſt without warrant or precept. And where one ſhalbe arreſted for Felonie, it behooueth that ſome Felo-

nie

nie bee done, and that hee be suspected of the same felonie, or otherwise he may haue against him that so did arrest him a Writ of false imprisonment. And when anie man shall bee arrested for Felony, hee shall be brought to ỳ gaile, there to abide vntil the next Sessions for to bee indicted, or for to be deliuered by proclamation.

nie soit fait, & que il soit suspect de mesme le felonie, ou autrement il poit auer enuers luy que ilsint luy arrest vn briefe de faux imprisonment. Et quaunt ascun home est arrest pur Felonie, il serra a mesme a le gaile, la a demurrer tanque al prochin Session pur este indicte, ou pur este deliuer per proclamation.

55 *Arrerages.*

ARrerages are duties behinde vnpaide after the dayes and times in which they were due, and ought to haue bin paid whether they be rent of a manor or any other thing reserued.

Arrerages.

ARrerages sont duties arrere nient pay apres le iours & temps, en quel ils fueront dues, & doyent auer estre paies, soyent il rent de mannor, ou ascun auter chose reserue.

56. *Assets.*

ASsets is in two sortes, the one called (assets per discent) the other (assets enter maines.) Assets per discent is where a man is bound in an obligation, & dieth seised of lands in fee simple, which descend to his heire, then his land shalbe called assets, that is to say, enough or sufficient to pay the same debt, & by that meanes the heire shall be charged as farre as the

Assets.

ASsets est en deux sortes lun appel (assets per discent) lauter (Assets enter maines) Assets per discent est lou vn home est oblige en vn obligation & morust seisy de terres de fee simple, queux discende a son heire, donques ceest terre serra appel assets, ceest adire sufficient de payer cest detre & per cest meanes le heire serra charge cy auaunt que le

terre issint a luy discende voyle stretch. Mes sil ad alien deuaunt que le obligation soit mise en suite, il est discharge.'

Auxy quaunt vn home seisi de terre en tayle, ou en droit de son feme, alien ceo oue garrantie, & ad en value tant terre en fee simple que discende a son heire: q̄ est auxy heire en taile ou heire all feme, Ore si le heire apres le mort son ancestor port vn briefe de Formedon ou sur cui in vita, pur le terre issint alien, dōques il serra barre per reason dun garranty & le terre issint discend, que est tant en value come ceo q̄ fuit vende, & issint per ceo il nad receiue ascun preiudice, & per ceo ceest terre est appell Assets per discent.

Assets enter maines est quaunt vn home endet, come deuant est dit, fait executors & relinquist a eux suffic' de payer, ou ascun commodity ou profit est venus al eux en droit lour testatour, ceest appel Assets en lour maines.

land so to him discended will stretch. But if hee haue aliened before the obligation hee put in suite he is discharged,

Also when a man seysed of landes in tayle, or in the right of his wife alieneth the same with warrantie, & hath in value as much landes in fee simple, which discēdeth to his heire, who is also heir in tayle or heire to the woman. Now if the heire after the decease of his auncestor bring a writ of Formedon, or sur cui in vita, for the land so aliened, then he shall bee barred by reason of the warrantie and the land so discended, which is as much in value as that was solde, & so thereby hee hath receiued preiudice, & therefore this land is called Assets per discent.

Assets enter maines, is when a man indebted, as before is said, maketh executors, & leaueth to them sufficient to pay, or some cōmodity or profit is come vnto thē in right of their testatour, this is said Assets in their hands.

Assignee

57 *Assignee.*

Assignee, is hee to whom a thing is appointed or assigned to bee occupied, paid or done, & is al wates such a person which occupieth or hath ꝑ thing so assigned in his own right, & for himselfe, & of assignees ther be two sorts, namely, Assignees in deed & assignee in law. Assignee indeed is when a Lease is granted to a mā, or to his assignes or without those wordes, assignes, and the graunter giueth granteth or selleth ꝑ same lease to another, he is his Assignee in deed. Assignee in law is euery executor named by ꝑ testator in his testamt. As if a lease be made to a man and to his assignes (as is aforesaid) & he maketh his executors, and dieth without assignment of the lease to any other. Now the executors shal haue the same lease, because they are his assignes in law. And so it is in other cases.

58 *Assise.*

Assise, is a Writ and it lieth where any man is put out of his landes, or

Assignee.

Assignee est celuy a que vn chose est appoint, ou assigne deste occupie, pay ou fait, & est toutes foits tiel person, que occupy ou ad le chose issint assignee en son droit demesne & pur luy mesme, Et de Assignees illy sont ij. sorts, nosment, Assignee en fait, & Assignee en ley. Assignee en fait est quant vn Leas est graunt al vn & a ses Assignees ou sans ceux pols, Assignees, & le grantee done, graunt ou vende le dit Leas al auter, il est son Assignee en fait. Assignee en le ley est chescun executor nosme per le testatour en son testament: si come vn Leas soit fait al vn home & a ses Assignees (si come est auant dit) & ill fait ses executors & morust sans assignm̄t del Leas al ascun aut̄, Ore les executors aũa m̄le Leas pur ceo q̄ ils sont ses Assignees en ley. Et issint est en auters semblables cases.

Assise.

Assise est vn briefe & gist ou ascun home est mis hors de son terre ou tene-

tenements ou de aſcun p-fit aprende en ceetaine lieu & iſſint diſſeiſi de ſon frãk-tenement. Franktenement a aſcun home eſt lou il eſt ſei ſi de terres ou tenemẽtes ou profit a prender in fee ſimple, fee taile, pur terme de ſon vie demeſne, ou pur terme dauter vie. Mes tenaunt per Eelegit, tenaunt per ſtatute Marchant & ſtatut Staple poient auer aſſiſe, coment q̃ ils nont franktenemẽt, & ceſt eſt ordayne per diuers Statutes.

Auxy en Aſſiſe il couient touts foits que il ſoit vn diſſeiſor & tenannt ou auterment le briefe abatera.

Auxy ou vn home eſt diſſeiſi & recouera per Aſſiſe de nouel diſſeiſin, & puis eſt auterfoits diſſeiſi per meſme le diſſeiſor, il auera vers luy vn briefe de redidiſſeiſin directe al vicount de fayre inquiſition, & ſi troue ſoit le redi-ſeiſin, il ſerra mis en priſon. Auxy ſi home recouera per Aſſiſe de Mort-dauncеſter ou per auter Iurie, ou per default ou

tenements, or of any profit to be taken in a certaine place, and ſo diſſeiſed of his freehold. Freehold to any man is where hee is ſeiſed of landes and tenements or profit to be taken in fee ſimple, fee taple, for terme of his owne life, or for terme of another mans life. But the tenant by Elegit, tenant by Statute marchant & ſtatute ſtaple may haue aſſiſe, howbeit that they haue no freehold and this is ordeined by diuers ſtatutes.

Alſo in an Aſſiſe it is needful alwaies that there be one diſſeiſor and one tenant, or otherwiſe the writ ſhall abate.

Alſo where a mã is diſſeiſed & recouereth by aſſiſe of nouell diſſeiſin & afterward is again diſſeiſed by the ſame diſſeiſor, hee ſhall haue againſt him a writ of redidiſſeiſin directed to the Sherife to make inquiſition, & if the redidiſſeiſin be found hee ſhall bee ſent to priſon. Alſo if one recouer by aſſiſe of Mort, or by other Iury or default or by red-

reddition, & ſil ſoit auter reddition, and if hee be an other time diſſeiſed, then

foits diſſeiſie, il auera donques vn briefe de Poſtdiſſeiſin, & ceſtuy que eſt pris

he ſhal haue a writ of Poſt diſſeiſin, & he which is take & impriſoned for rediſſeiſin ſhal not be deliuered without ſpecial commandemẽt of the King. See the ſtatutes thereof Merton cap. 3. Marlebridge, cap. 8. And Weſtminſter 2. Cap. 26.

& impriſon pur reddiſeiſin, ne ſerra deliuer ſans eſpeciall commaundement le Roy. Vide les eſtatutes inde Merton Cap. 3. Marlbridge Cap. 8. Et Weſtminſter 2. Cap. 26.

There is alſo another aſſiſe called Aſſiſe of freſh force, & lyeth where a man is diſſeiſed of tenementes which are diuiſible, as in the Citie of London or other Boroughs or townes that bee Fraunchiſes, then the defendaunt ſhall come into the Court of the ſaid towne & enter his plaint, and ſhall haue a Writ directed to the Maior or Bayliffes &c. and thereupon ſhall paſſe a Iurie in maner of aſſiſe of nouel diſſeiſin. But it behoooeth that he do enter his plaint within foure dayes as it is ſaide, or otherwiſe, hee ſhall be ſent to the common law. And if the Officers delay the execution, then the plaintife ſhall haue an other writ to haue execu-

Auxy il eſt vn auter Aſſiſe appell Aſſiſe de freſh force, & giſt lou home eſt diſſeiſie de tenementes queux ſont deuiſables, come en le Citie de London ou auter Boroughs ou villes que ſont Enfraunchiſes, donques le defendaunt viendra en la Court de dit Ville & entra ſon plaint, & auera vn briefe direct all Maire ou Baylifes &c. & ſur ceo paſſera vn Iurie en manner daſſiſe de nouell diſſeiſin. Mes ill couient que ill entre ſon pleint diens quadrgint iours, vt diciter, ou autrement ill ſerra miſſe a le common ley. Et ſi les miniſters de lay executions, donques le plaintife auera vn auter briefe dauer execu-

tion,

tion, Et ſicut alias, & plu-ries &c. Vide Littlef Ca. Rents, Aſſiſe eſt noſme equinocum, &c.

59 *Aſſiſe de darraine preſentment.*

ASſiſe de darrain preſentment, vide de ceo aps titulo Quare impedit.

60 *Aſſiſe de Mortdanceſter.*

ASſiſe de Mortdanceſter, vide de ceo apres titulo Coſinage.

91 *Attainder.*

ATtainder, eſt vn conviction daſcun perſon dun crime ou fault, dont il ne fuit conuicte deuant, ſi come vn home fait felony, treaſon, ou tiel ſemblables, & de ceo eſt endicte, arraigne, & troue guiltie & adiudge, donques il eſt dit deſte attaint, & ceo poiet eſte deux voies, lun ſur apparance, le auter ſur default: le attainder ſur apparance, eſt per confeſſion, battaile ou verdict, le attainder ſur default eſt per proceſſe tanque il ſoit vtlage.

62 *Attaint.*

ATtaint, eſt un brieſe & giſt lou faux verdicte

tion, And a Sicut alias, & a Pluries &c. Set Lit. Cap. Rents, aſſiſe is a word of two ſignifications, &c.

Aſſiſe de darraine preſentment.

ASſiſe de darraine preſentment, looke thereof in the title Quare impedit.

Aſſiſe de Mortdanceſter.

ASſiſe de Mordanceſter, looke therof in the title Coſinage.

Attainder.

ATtainder is a conuictiō of any perſon of a crime or fault wherof hee was not conuict before, as if a man haue committed felonie, treaſon, or ſuch like, & thereof is indicted, arraigned, and found guilty, and hath iudgement, then hee is ſaid to be attainted, and this may bee two wayes, the one vpon apparance, & other vpon default, the attainder vpō apparance is by confeſſion battaile or verdict, the attainder vpō default is by proces vntill he be outlawed.

Attaint.

ATtaint, is a writ and lieth where falſe verdict is

is giuen by twelue men, & iudgement giuen therton, that the partie against whom they haue passed, shall haue a writt against the twelue men, and when they bee at issue it shall bee tried by xxtij. Iurors, & if the false verdict be found, the twelue men be attaint, and then the iudgement shall bee, that their meadowes shalbe aired, their houses broken down, their woods turned vppe, and all their landes and tenements forfaited to ỹ king, but if it passe against him that brought that attaint, he shall be imprisoned and grieuously raunsomed at the kinges will. See the statute 23.H.8.cap.3. Attaint also is when iudgement is giuen in Treason or Felony.

63 *Attournement.*

ATtournement, is when one is tenant for terme of life, and he in reuersion or remainder graūteth his right or estate to another, then it behoueth the tenāt for terme of life to agree thereto, and this agreement is called an Attourn-

est done per xij. homes & iudgement done sur ceo, donque le partie vers que ils auoyent passe auera ceste briefe vers les douze homes, & quant ils sont a issue, il serra trie per vynt quater Iurours, & si faux verdict soyt troue, les douze Iurours sont attaint, & donques le iudgement serra que lour prees serront aires, lour measons debruses, lour boyes subuertes, & touts lour terres & tenementes forfaits al Roy, mes si passa enconter celuy que port lattaint, il serra impriſon & grieuousment ranſome al volunt le roy, Vide le Statute 23.H.8. cap.3. Attaint auxy est quant iudgement est done en treson ou felony.

Attournement.

ATtournement, est quant vn est tenant pur terme de vie, & cestuy en le reuersion ou remainder grāta son droit ou estate a vn auter, donques il couient que le tenant pur terme de vie agree a ceo & cest agreem̄t est appell atturnment,

ment, car si cestuy en le reuersion grant son estate, & son droit a vn auter, si le tenant pur terme de vie ne attourna, riens passe per le grant.

Mes sil soit graunt per fine de Court de record, il serra compell de attourner, Et vide de ceo apres titulo Quid iuris clamat, vide pluis de ceo en Litt̄ lib. 3. cap. 10.

ment, for if he in the reuersion graunt his estate and his right to another, if the tenant for terme of life atturne not, nothing passeth by the graunt.

But if it be granted by fine in Court of record, he shalbe cōpelled to atturne. And looke thereof after in the title Quid iur. clamat, looke more of this in Littleton lib. 3. cap. 10.

64 *Audita quærela.*

AVdita querela, est vn briefe & gist lou vn est oblige en vn estatute marchant, estatute Staple ou Recognisance, ou lou iudgement est done vers luy pur det, & son corps in executiō sur ceo, donques sil ad vn releas ou auter sufficient matter deste discharge del execution, mes nad iour de ceo pleder, donques il auera cest briefe vers cestuy que ad recouer, ou vers ses executours.

Audita quærela.

Audita quærela, is a writ and it lieth where on is bound in a Statute marchant, statute Staple or Recognisanuce, or where iudgment is giuē against him for debt and his bodie in executon thereupon, thē if hee haue a release or other matter sufficient to be discharged of execution but hath no day in Court there to pleade it, then he shall haue this writte against him which hath recouered, or against his executors.

65 *Auerment.*

AVerment est lou vn home plede vn plee en a-

Auerment.

AVerment, is where a man pleadeth a plee in abate-

abatement of the writt or barre of the action, which hee saith hee is readie to proue as the Court will award, this offer to proue his plee is called an Auerment.

abatement de briefe ou barre daction, quel il dist, il est prist de prouer come le Court voit agarde, cest offer de prouer son plee est appelle vn Auerment.

66 *Auerpeny.*

AVerpeny, that is to bee quit of diuers summes of money for the kinges auerages.

Auerpeny.

AVerpeny, hoc est quietū esse de diuersis denarijs pro auerag ijs domini Regis.

67 *Auncien demesne.*

AVncien demesne are certain tenures holden of those Mannors that were in the handes of S. Edward the Confessor, and the which hee made to bee written in a booke called Domes day, Sub titulo Regis, and all the landes holde of the said Manors bee auncien demesne, and the tenants shall not bee impleaded out of the saide Manors, and if they be, they may shew the matter and abate the writ: but if they answer to the writ, and iudgement bee giuen, then the landes become frank fee for euer. Also the tenemnts in auncient demesne, be free of tole for all

Auncien demesne.

AVncien demesne sont certain tenures ten' de ceux Manors queux fuerent en maines de S. Edw. le Confessor, & les queux il fist escrier en vn lieur appelle Domes day, Sub titulo Regis, & touts les terres ten' del dit Manors sont ancien demesne, & les tenants ne serront implede hors del dit Manors, & sils soient, ils poient monstre le matter & abater le briefe, mes sils respond' al briefe & plede, & iudgemt done, donqs les terres sont deuenus franke fee a touts iours. Auxy touts tenants en auncien demesne sont franke de tolle, pur touts choses

choſes concernant lour viand' & husbandry en auncien demeſne, & pur tiels terres ils ne ſerront mis ne empanel ſur aſcun enqueſt. Mes touts les terres en auncien demeſne queux ſont en maines le Roy, ſont frank fee & pledable al common Ley. Veies plus apres en le title Sokmans.

thinges concerning their ſuſtenance and huſbandry in auncien demeſne, and for ſuch landes they ſhall not bee put or impanelled vpon any inqueſt. But all the landes in auncien demeſne, that are in ẽ kings hands, bee franke fee and pledable at the Common Law. See more after in the title Sokmans.

68 *Auowrie.*

AVowrie eſt lou vn priſt diſtreſſe pur rent ou auter choſe, & lauter ſua Repleuin, donques celuy que auoit ceo priſe iuſtifiera en ſon plee, pur quel cauſe il priſt ceo, & ſi il priſt ceo en ſon droit demeſne il doit ceo monſtre, & iſſint auowa le priſe, & ceo eſt appel ſon auowrie: Mes ſil ceo priſt en ou pur le droit de vn auter, donques quant il auoit monſtre le cauſe, il ferra conuſance del priſel, come bailie ou ſeruant a celuy en que droit il priſt ceo.

Auowrie.

AVowrie is where one taketh a diſtreſſe for rent or other thing, & the other ſueth repleuin, then he that hath taken it ſhall iuſtifie in his plee, for what cauſe he tooke it, and if hee tooke it in his owne right hee ought to ſhewe that, and ſo auow the taking, & that it is called his auowry: but if he took that in or for the right of another, then when hee hath ſhewed the cauſe, he ſhall make conuſance of the taking, as bailie or ſeruant to him in whoſe right hee did take it.

69 Baile

B.

69 *Baile.*

BAile, is when a man is taken or arrested for felonie, suspition of felonie, indicted of felonie, or anie such case, so that hee is restrained of his libertie. And being by law bailable, offereth suerty to those which haue authoritie to baile him, which suerties are bound for him to the Queenes vse in a certaine summe of money, or bodie for bodie, that he shall appeare before the iustices of Gaole deliuery at the next Sessions &c. Then vpon the bondes of these suerties, as is aforesaid, hee is bailed, that is to say, set at libertie vntill the daie appointed for his appearance.

B.

Baile.

BAile, est quant vn home est prise ou arrest pur felonie, suspition de felonie, indicte de felonie, ou ascun tiel case, issint que il est restraine de son libertie. Et esteant per le ley bailable, offereth suertie al eux que ont authoritie de luy bailer, queux suerties, sont oblige pur luy al vse le Roigne en vn certain summe dargent, ou corps pur corps, que il appearera deuãt les Iustices de gaole deliuerie al prochein Sessions &c. Donques sur les bondes de ceux suerties, come est auant dit, il est baile, ceste adire, mis al libertie tanque le iour appoint pur son apparance.

70 *Bailement.*

BAilement, is a deliuerie of thinge whether it bee of writinges, goods or stuffe to an other, sometimes to be deliuered back to the bailor, that is to say,

Bailement.

BAilement, est vn deliuerie de choses, soyent ils de escripts, biens ou stuffe al auter, ascun foits destre rẽdeliuer arrere al bailor, ceste adire

al celuy que iſſint deliuer ceo, aſcun foits al vſe del bailiſe, ceſt adire de luy a que il eſt deliuer, & aſcun foits auxy il eſt deliuer a vn tierce perſon, ceſt deliuerie eſt appel vn bailement:

to him that ſo deliuered it, ſometimes to the vſe of the baiſife, that is to ſay, of him to whom it is deliuered, and ſometimes alſo it is deliuered to a thirde perſon, this deliuerie is called a bailement.

71 *Bailife.*

BAilife eſt vn officer que appertient a vn manor, pur order le husbandrie, & ad auctoritie de paier quite rents iſſuant hors del manor, ſuccider arbres, repaire les meaſons, faire pales, haies, diſtraine auers damage feſant ſur le terre, & diuers tiels ſemblables.

Ceſt officer eſt celuy q̄ les auncient Saxons ont appel vn Reeue, car le noſme Bailife ne fuit donques conus enter eux, mes vient eins que les Normans, & eſt appel en Latin Villicus.

Bailife.

BAilife is an officer that belongeth to a manor, to order the husbandrie, and hath authoritie to pay quite, rents iſſuing out of the manor, fell trees, repaire houſes, make pales, hedges, diſtraine beaſts dooing hurt vpon the ground, and diuers ſuch like.

This officer is he whom the auncient Saxons called a Reeue, for the name Baiſife was not yet knowen amongſt them, but came in with the Normans, and is called in latin Villicus.

72 *Backberind theefe.*

BAckberind theefe eſt vn laron que eſt priſe oue le maner, ceſt adire, aiant ceo troue ſur luy (eſteāt purſue

Backberind theefe.

BAckeberind theefe is a theefe that is taken with the maner, that is to ſay, hauing that found vpon him (being followed with

with the hue and crie) which hee hath stollen, whether it bee money, linnen, woolle, or other stuffe, but is is moste properlie said, when he is taken carrying those things that he hath stollen in a bundell or fardell on his backe.

oue le hue & crie) le quel il ad emblee, sont il money, lynnen, wollen, ou auter stuff: mes il est plus properment dit, quant il est prise portant tiels choses que il ad emblee en vn bundel ou fardell sur son dorse.

73 *Bargaine and sale.*

BArgaine and sale is whē a recompence is giuen by both the parties to the bargain, as if one bargain and sell his land to an other for money, here the land is a recōpence to him for the mony, and the mony is a recompence to the other for the land, & this is a good contract & bargaine, and fee simple passeth notwithstanding hee doeth not say to haue and to hold the land to him & to his heires. And by such a bargaine and sale lands may passe without liuerie of seisin, if the bargaine & sale be by deed indented, sealed & inrolled, either in the countie where the land lieth, or in one of the .iij. courts of record at Westminst within vj. monethes

Bargaine & sale.

BArgain & sale est quant vn recompence est done per ambideux les parties al bargaine: come si vn bargaine & vend son terre al auter pur argent, icy le terre est vn recompence a luy pur le argent, & largent est vn recompence al auter pur le terre, & ceo est vn bone contract & bargaine, & fee simple passa nient obstant il ne dit auer & tener le terre a luy & a ses heires. Et per tiel bargaine & sale terres poient passe sans liuerie de seisin, si le bargaine & sale soit per fait endent, seale & enrolle, ou en le countie ou le terre gist, ou en vn des Courtes del Roigne de record, al westminster deins sixe mois

prochein apres le date de mesme le escript endent, accordant al statute en ceo case fait en le 27. an. de H. 8. cap: 16.

74 *Barre.*

BArre, est quant le desendant en ascun action plede vn plee que est vn sufficient respons, & ceo adnul le action del plaintife a tout iours.

75 *Base fee.*

TEner en Fee base, est a tener a volunt le Seignior.

76 *Bastard.*

BAstard, est celuy que est nee de ascun feme nient espouse, issint que son pere nest conus per le order del ley, & pur ceo il est dit filius populi.

Mes per la ley del Romish esglise, si vn engender vn enfant sur ascun feme, quel enfant est nee hors del espousels, & puis al espouse mesme la feme, donques tiel enfant serra dit mulier, & nemy bastard.

next after the date of the same writting indented, according to the Statute in that behalfe made in the 27 yeare of H. 8. cap. 16.

Barre.

BArre, is when the defendant in any action pleadeth a plee which is a sufficient answere, and that destroyeth the action of the plaintife for euer.

Base fee.

TO hold in Fee base, is to hold at the will of the Lord.

Bastardie.

BAstardie, is her that is borne of any woman not married, so that his father is not knowen by the order of the law, and therefore he is called the childe of the people.

But by the law of the Romish Church, if one get a childe vpon a woman which childe is borne out of wedlocke, and after her marrie the same woman, then such a childe shall bee sayde Mulier, and not bastard.

But

But by the law of England he is a Bastard, and for that cause when such speciall bastardie is alleged, it shall be tried by the Countrie, and not by the Bishop. But generally bastardie alleaged shall be tried by the certificate of the Bishop.

And if a woman be great with child by her husband, who dieth, and shee taketh another husband, & after the childe is borne, this childe shal be said the child of the first husband. But if shee were great with childe at the time of the death of her first husband, then it shalbe said the child of the second husband. But inquire further and see the opinion of Thorp. 21.E.3.39.

Also if a man take a wife which is great with childe by an other that was not her husband, and after the childe is borne within the espousels, then it shall bee said the childe of the husband, though it were born but one day after the espousels solempnized.

Mes per la ley Dengleterre il est bastarde, & pur ceste cause quant tiel especiall bastardie est alleage, il serra trie per le pais, & nemy per Leuesque. Mes generalment bastardie alleadge serra trie per le certificat del Euesque.

Et si vn feme soit grosse de enfant per son baron que morust, & el prist auter baron, & apres le enfant est nee, ceste enfant serra dit le enfant le primer baron. Mes si el fuit priuement enseint al temps del mort si primer baron, donques il serra dit le enfant del second baron. Sed Quære & vies le opinion de Thorp. 21.E.3.39.

Auxy si vn home prent feme que soit grossement enseint per aseu auter que ne fuit son baron, & apres lenfant est nee deins les espousels, donques il serra dit lenfant le baron, mesque il fuit nee forsque vn iour apres les espousels solempnize.

77 *Battaile.*

BAttaile eſt vn auncient trial en noſtre ley, que le defendant en vn appeal de murder, robberie, ou felonie poit eſhier, ceſtaſcauoir, a combater oue lappellant, pur proofe ſil ſoit culpable del felony ou nō: quel combate ſil ſucceede ſibien del part le defendaunt que il vanquiſh lappellant, il allera quite, & luy barrera de ſon appeale a touts iours. Mes ſi vn ſoit indict de felonie, & vn appeale eſt port ſur meſme le indictment, la le defendant ne gagera le battaile: battaile auxy poit eſtre en vn briefe de Droit.

Battaile.

BAttaile is an auncient triall in our law, which the defendant in an appeal of murder, robberie, or felonie may chuſe, that is to ſay, to fight with the appellant, for proofe whether hee be culpable of the felonie or not: which combate, if it fall out ſo well on the part of the defendant that hee doth vanquiſh the appellant, he ſhal goe quit & bar him of his appeale for euer. But if one be indicted of felony, & an appeal is brought vpō the ſame indictment, there ꝑ defendant ſhal not wage battaile: battaile alſo may be in a writ of Right.

78 *Bigamy.*

BIgamy, ſuit vn counterple (deuiſed al councell de Lions, ſur miſlike de ſecond mariage) eſte obiect quaunt le priſoner demaunde le benefite del Clergie, ceſtaſcauoir, ſon liuer, come noſment a dire, que il que demaund le priuiledge del Clergie, fuit marrie a

Bigamy.

BIgamy, was a counterplea (deuiſed at the councell of Lions, vpon miſlik of ſecond mariage) to be obiected when the priſoner demaunded the benefit of the Clergie, to wit, his book, as namely to ſay, that he which demandeth the priuiledge of the clergy, was maried to ſuch

a woman, at such a place, within such a dioceſſe, and that she is dead, and that hee hath married another woman within the same dioces or within some other dioces, and so is Bigamus. Or if he haue bin but once married, then to say, that shee whome hee hath married, is or was a widow, that is to say, the left woman of such a one, &c. which thing shalbe tried by the Bishop of the dioces where the marriages are alleaged. And being so certified by the Bishop, the prisoner shall loose the benefit of the Clergy. But at this day by force of the act made in An. 1. E. 6. c. 12. this is no plea, but that hee may haue his Clergie that notwithstanding.

So is Brooke titulo clergie placito 20. to the same purpose. And hereupon if you be desirous to see what reason they haue that perswade against second marriages, read among many others Frācis Petrarche of remedies for both Fortunes, the first booke & lxxvj. Dialogue,

tiel feme, en tiel lieu, diens tiel dioces & que el eſt mort, & que il ad apres marrie vn auter feme deins meſme le dioceſſes ou deins aſcū auter dioceſſes, & iſſint Bigamus. Ou ſil nad eſte forſque vn temps marrie, donques adire que el que il eſpouſe eſt, ou fuit vn viefe, ceſt adire, le relicte dun tiel &c. Le quel choſe ſerra trie per Leueſque de le Dioceſſe ou le eſpouſals ſont alleadge. Et eſteant iſſint certifie per Leueſque, le priſoner per dera le benefit del clergie: Mes al ceſt iour per force de le acte fait en Anno 1. Ed. 6. Cap. 12. ceſt nul plea, mes que il poet auer ſon Clergie ceo nient obſtant.

Iſſint eſt Brooke titulo Clergie placito 20. al meſme purpoſe. Et ſur ceo ſi vous eſtes deſirous de veyer queux reaſons ils ont que perſwade enuers ſecond eſpouſals, lege ent diuers auters Frances Petrarche de remedijs vtriuſque fortunæ le primer liuer & Lxxvj. Dialogue,

intituled de ſecundis nuptijs, quel liuer ore trade Maiſter Thomas Twine ad bien & oue bon grace (come ils que poient iudger diount) tranſlate hors de Latin en Englois, & mult aptment appell ceo Phiſicke encouter fortune.

intituled of ſecond marriage, which Booke nowe of late Maiſter Thomas Twine, hath very well, & with good grace (as they that can iudge do ſay) tranſlated out of Latine into Engliſh, and moſt aptlie called it Phiſicke againſt fortune.

79 *Bloodwit.*

BLoodwit, hoc eſt quietum eſſe de amerciamentes de ſanguine fuſo, & que teneantur placita in curia veſtra, habebitis amerciamenta inde prouenientia quia (wit) en Anglois eſt miſericordia en Latin.

Bloodwit.

BLoodwit, that is, to be quit of amercements for bloodſhedding, and what pleas are holden in your court, you ſhall haue the amercements therof comming, becauſe (wit) in Engliſh, is miſericordia in Latin.

80 *Roote.*

BOote, eſt vn viel parol, & il ſignifie helpe, ſuccour, ayde, ou aduantage, & eſt communment ioynt oue vn auter parol, que ſignification il augment come ceux bridgeboote, burghboote, fireboote, hedgeboote, plowboote, & diuers tiels ſemblables, pur queux ſignifications, veyes en lour proper titles.

Boote.

BOote, is an old word, & ſignifieth help, ſuccour, ayde or aduantage, and is commonly ioyned with an other word, whoſe ſignification it dooth augment, as theſe, bridgboot, burghboot, fireboote, hedgeboot, plowboote and diuers others ſuch like, for whoſe ſignifications looke in their proper titles.

Brood-

81 *Broodhalpeny.*

BRoodhalpeny, in some copies, broodhalbeny, that is to bee quit of a certaine custome exacted for setting vp of tables.

Broodhalpeny.

BRoodhalpeny, en aſcun copies, broodhalbeny, hoc eſt, quietum eſſe de quadam conſuetudine exacta pro tabulis leuatis.

82 *Burgage.*

TO hold in Burgage, is to hold as the Burgeis holde of the King, or of another Lord lands or tenements, perlding to him a certain rent by the yeare, or els there, where an other man then burgeis holdeth of any Lord landes or tenements in burgage perlding to him a certaine rent by yeere.

Burgage.

TEner en Burgage eſt a tener ſicome les burgeis teignent de Roy, ou de auſ Seigniour terres ou tenſts rendant a luy vn certaine rent p an. ou auterment la ou vn auſ home que Burgeis tient daſcun Seigniour terres ou tenementes en Burgage rendant a luy vn certaine rent per an.

83 *Brugbote.*

BRugbote, (and in some copies Bridgbote) that is to bee quit of giuing aide to the repayring of bridges.

Brugbote.

BRugbote (& en aſcuns copies bridgbote) hoc eſt quietum eſſe de auxilio dando ad reficiendum pontes.

84 *Burghbote.*

BVrghbote, that is to be quite of giuing aide to make a Borough, Castel, Citie, or walles thereto belonge.

Burghbote.

BVrghbote, hoc eſt quietum eſſe de auxilio dando ad faciendum Burgum, caſtrum, ciuitatem vel muros proſtrata.

85 *Burgh-*

85 *Burbreach.*

BVrghbrech, hoc est quietum esse de transgressionibus factis in ciuitate vel Burgo contra pacem.

Burbreach.

BVrghbreach, that is to be quit of trespasses dõe in Cittie or Borough against the peace.

86 *Burgh English.*

BVrgh English, ou Borough English, est vn custome en vn auncient borough, ou si vn home ad issue diuers fits & moruſt vncore le puisne fits solement inheritera, & auera touts les terres & tenements que fuerent a son pere de que il moruſt seisie deins mesme le burgh per discent, come heire a son pere, per force del custome de mesme le burgh.

Burgh English.

BVrgh English, or Borough English, is a custome in some ancient borough, that if a man haue issue diuers sonnes & dieth, yet the youngest sonne onely shall inherite & haue all the landes & tenements that were his Fathers, inherited her dyed seysed thin the same borough by discent, as heire to his father by force of the custom of the same borough.

87 *Burglarie.*

BVrglarie, est quant vn debruse & enter en le meason dun auter en le nuit, oue felonious intent, de robber ou occider ou de faire auter felonie, en queux cases nient obstant il ne emport riens, vncore il est felony per que il serra pendue. Auterment est si soit en le iour ou que il

Burglarie.

BVrglarie, is when one breaketh, & entreth into the house of another in the night with felonious intent to robbe or kill, or to doe some other felonie, in which cases although hee carrie away nothing, yet it is felonie, for which hee shall suffer death. Otherwise it is, if it bee in the day time, or that hee breake

breake the house in the night, and enter not therein at that time.

But if a seruant will conspire with other men to robbe his Master, & to that intent he openeth his Masters doores and windowes in the night for thē, that they come into the house by that way, this is Burglarie in the straungers, and the seruant is a theefe but no Burglar. And this was the opinion of the right worshipfull sir R. Manwood knight, most worthie Lord chiefe Baron of the Exchequer, at the quarter Sessions holden at Canterburie in Ianuary 1579. 21. Eliz.

debruse le meason en le nuit, & ne entre pas en ceo a ceſt temps.

Mes ſi vn ſeruant viole conſpire ouc autres de robber ſon Maſter, & a cel entent il ouer les dores & feneſtres de ſon Maſter en le nuit pur eux, & ile vient en le meſon per ceſt voy, ceſt Burglarie en les eſtrangers, & le ſeruant eſt vn laron, mes nemy Burglar. Et ceo fuit lopinion de le right worſhipfull Sir R. Manwood Chiualer, plus digne Seigneor cheife Baron de le Exchequer a la quarter Seſſions tenus en Canterburie in Ianuary 1579. 21. Eliz.

88 Capias.

CApias, looke for that after in the title Proces.

Capias.

CApias, vide de ceo apres en la title Proces.

89 Caruage.

CAruage, that is, to be quite if the King shall take all his land by carues. Note that a carue of land is a plowland.

Caruage.

CAruage, hoc eſt, quietū eſſe ſi dñs Rex talliauerit totam terram ſuam per Caruas. Nota q̄ vn carue de terre eſt vn plowland.

90 Certification of assise.

CErtification of Assise of nouel disseisin, is a

Certificatio in aſſiſe.

Certificatio Aſſiſe nouæ diſſeiſine, eſt vn briefe,

briefe & gist lou le bailife le tenãt in Assise plede nul tort &c. & parde per lassise, donques si le tenant ad vn release ou auter escript a pleder, il auera cest briefe, & les primers iurors serront garnies dapperer deuaunt les Iustices & parties auxi, donques si puit este trouè que le release ou le escripts sont voyer & bones, cestuy qui recoueroit in lassise, rendra dammages en double & perdya la terre.

writ, and lyeth where the Bailife of the tenant pleadeth no wrong, &c. & loseth by the assise, then if the tenaunt haue a release or other writing to pleade, hee shall haue his writ, and the first Iurours shall bee warned to appeare before the Iustices and the parties also, then if it may bee found: that the release or writings are true & good, hee that recouered in the Assise shall yeelde double dammages, and shall lose the land.

91 *Cerciorari.*

CErciorari, est vn briefe & gist lou vn est implede en vn base Court, que est de recorde, & il suppose que il ne poit auer equall Iustice la, donques sur vn bill en la Chauncerie comprisant ascun matter en conscience, il auera cest briefe pur remouer tout le Recorde en la Chauncerie, & la deste determine per conscience, mes sil ne proua son bill, donques lauter party auera vn briefe de Procedẽdo a remaund' le record en la

Cerciorari.

CErciorari, is a writ and it lieth where one is impleded in a base court, that is of record, and he supposeth that hee may not haue equall Iustice there, then vpon a bill in the Chancery comprising some matter of conscience, he shall haue this writ to remoue all the Record in the Chauncery, & there to bee determined by cõscience, but if he proue not his bill, then the other partie shall haue a writte of Procedendo, to send againe the Record into the

base

haſe court, & there to be determined. And it lyeth in many other caſes, for to remoue records for the king as indictments and other.

92 *Ceſſion.*

CEſſion, is when an Eccleſiaſticall perſon is created Biſhop, or when a perſon of a perſonage taketh another benefice without diſpenſation or otherwiſe not qualified &c. In both caſes their firſt benefices are become void, and be ſaid to become voide by ceſſion: And to thoſe that her had who was created biſhop, the king ſhall preſent for the time whoſoeuer be patron of thē. And in the other caſe the patrō may preſent.

93 *Ceſſauit.*

CEſſauit, is a writt, and it lieth where my here tenaunt which holdeth of me certaine lands and tenements, yeelding certain rent by the yere, & the rent is behind not paid by two yeres, and no ſufficient diſtreſſe may be found vpon the lande, then I ſhall recouer the lande, but if the

baſe court, & la deſte determine. Auxi il giſt en pluſors auters caſes pur remoū Records pur le roy come indictms & auters.

Ceſſion.

CEſſion eſt quaunt vn Eccleſiaſticall perſon ē cree Eueſque, ou quant vn perſon dun parſonage priſt vn auter benefice ſans diſpenſation ou autrem̄t nient qualified &c. En ambideux caſes lour priū benefices ſont deuenus void & ſont appel deſtre voide per ceſſion. Et al ceux que il ad que fuit cree eueſque le Roigne preſentera pro illa vice, quicunque ſoit patron de eux. Et en lauſ caſe le patron poit preſenter.

Ceſſauit.

CEſſauit, eſt vn briefe & giſt lou mon verie tenāt que tient de moy certeine terre ou tenemēts rendaunt certein rent p an, & le rent eſt arere nient paye per deux ans, & nul ſufficient diſtreſſe poyt eſte troue ſur le terre, donqs ieo aūa ceſt briefe per que ieo recouera le terre, mes ſi le

tenant

tenant vient in Court de-'uant iudgement, & tend' le arrerages, & les damages, & troue ſuerty que il ne ceſſera pluis de paiment de dit rent, ieo ſerra compel de prender les arrerag. & les damages, & donque le tenaunt ne perdera la terre. Auxy le heire ne poit maintaine cel briefe pur ceſſer fait en tẽps ſon auncestor, Auxy ceſt briefe ne giſt, mes pur annuall ſeruice come rent & huiuſmodi & nyent pas pur homage & fealtie.

Auxy il y ad auter briefe appell Ceſſauit de cantaria, & giſt ou vn done terres a vn meaſon de religion a troue pur lalme de luy & de ſes auncestors, & de ſes heyres annuelment vn chandel ou lamp in Eſgliſe, ou pur faire aſcun deuine ſeruice, ou de paſter les pouers, ou auters almes, ou auter tiel choſe faire, donque ſi les dits charges ne ſont pas fait per deux ans, donque le donor ou ſes heires auera ceſt briefe vers quecunque eſt eins apres tiel

tenant come into the court before iudgement giuen, and tender the arrerages and dammages, and finde ſuertie, that hee ſhall ceſſe no more in patement of the ſaid rent, I ſhall be compelled to take the arrerages and the damages, and then the tenaunt ſhall not looſe the lande. Alſo the heire may not maintaine this writte for the ceſſer made in ꝑ time of his anceſtor, Alſo this writ lieth not but for Annuel ſeruice as rẽt. and ſuch other & not for homage & fealtie.

Alſo there is an other writte called Ceſſauit de cantaria, and it lieth where a man giueth land to a houſe of religion to finde for his ſoule & of his anceſtors, and his heires, yearely a candle or Lampe in the Church, or to ſay any deuine ſeruice or to feede the poore, or other almes, or ſome other thing to doe, then if the ſaid charge be not done in two yeares, then ꝑ donor or his heires ſhall haue this writ againſt whoſoeuer holdeth the thinges giuen after ſuch

ceſſure

cesture. See the Statute W. 2. cap. 41.

cesser. Vide lestatute W. 2. cap. 41.

54 *Challenge.*

CHallenge, is where Iurors appeare to trie an issue, then if any of the parties suppose that they are not indifferent they may there challenge and refuse them.

There bee diuers challenges, one is challenge to the array, the other to the polles.

Challenge to the array is when the panell is fauorably made by the Shirife or other officer.

Challenge by polles are some principall, and some by cause as they call it.

Principall, is when one of the Iurors is the sonne brother or cosin to the plaintife or defendant, or tenant to him, or that hee hath espoused the daughter of the plaintif, & for those causes he shall be withdrawen.

Also in a plee of the death of a man, and in enerie action real, and in actions personall, if the debt or damages amount to fortie markes, it is a good challenge that hee cannot

Challenge.

CHallenge, est lou Iurors apperont pur trier vn issue, donques si ascun des parties suppolont que ils ne sont pas indifferent, la ils poient eux challenge & refuse.

Ils ad estre diuers challenges: vn est challenge al array, le auter est all polle.

Challenge al array est quant la panel est fauorablement fait per le vicont ou auter officer.

Challége p les polls sont ascuns principal, & ascun p cause, cõe il appell ceo.

Principal est quant vn des Iurors est le fits, frere, ou cosin al plaintife ou defendant, ou tenant a luy, ou q̃ il auoit espouse la file le plaintif, & pur ceux causes il serra retrait.

Auxy en plee de le mort de hõe, & en chescũ action real, & en actions personal, si le det ou damages amount a xl. markes, il est bon challenge q̃ il ne poit dispen-

dispender xl. shillings per an de franktenment.

Challenge per cause, est ou le partie allege va matter que nest principal challenge: come que fits dun des Jurors espouse la file le plaintife, & donques il conclude, & pur ceo il est fauourable, quel serra trie per auters del enquest si il soit fauourable ou indifferent, & si ils dionte que il est fauourable, & nemy indifferent, donques il serra treit, auterment il serra iure.

Auxy vn felon que est arraigne poit challenge xx Jurors peremptorie sans ascun cause, & ceo est in fauorem vitę, & tant que il voile oue cause, mes donques il serra trie si pur tiel cause il soit indifferent ou nemy.

95 *Champertie.*

CHampertie est vn briefe & gist lou deux homes sont impleadants, & lun done la moitie ou part del chose en plee a vn estraunge pur luy maintenir.

dispend xl. shillings by the peare of freehold.

Challenge because, is where the partie doth alleage a matter which is no principal challenge: as that the sonne of one of the Jurors hath espoused the daughter of the plaintife, and then he doth conclude, and therefore hee is fauourable, and shalbe tried by others of the inquest, whether he be fauourable or indifferent, and if they say that he is fauourable & not indifferent, then he shalbe drawen out, otherwise he shalbe sworne.

Also a felon that is arraigned may challenge xx. Jurors peremptory without any cause, and that is in fauour of life, & as many as he will with cause, but then it shall bee tried if for such cause he bee indifferent or not.

Champertie.

CHampertie, is a writt and speth where two men bee impleading, and one giueth the halfe or part of the thing in plee to a straunger for to maintaine

tain him against the other, the the party greeued shall haue this writ against the straunger. See the Statutes Articuli super Chartas cap. 11.

teiner encounter le auter, donques le partie greeue auera cest briefe, deuers le straunger. Vide le statute Articuli super Chartas. Cap. 11.

96 *Champertors.*

CHampertors, bee they that moue plees & suits, or cause to bee moued by their owne or others procurement, and sue them at their owne costes, to haue part of the lands or gaines in variance.

Champertors.

CHampertors, sont ceux que moua plees & suits, ou cause deste moue per lour ou autres procurement, & sue a lour costages & charge dismesne, pur auer part del terre ou gaines en variance.

97 *Charge.*

CHarge, is where a man graunteth a rent issuing out of his ground, and that if the rent be behind, it shall be lawfull for him, his heires and assignes to distraine till the rent bee paid, this is called a rent charge. But if one graunt a rent charge out of the land of an other, though after he purchase the land, yet the graunt is void.

Charge.

CHarge est lou vn home graunta vn rent issuant hors de son terre, & que si le rent soit arrere, que serra loyal a luy, ses heires & assignes a distrainer tanque le rent soit pay, cest appel vn rent charge. Mes si vn graunt vn rent charge hors del terre dun auter, coment puis il purchase la terre, vncore le graunt est void.

98 *Charters.*

CHarters of lands are writings, deeds, euidences, & instruments, made from one man to another, vpon

Charters.

CHarters de terres sont escripts, faits, euidences, instrumentes, fait de vn home a lauter sur,

aſcun eſtate conueied ou paſſed perenter eux de terres ou tenemẽts, monſtrãt les noſmes, lieu, & quantitie del terre, le eſtate, tẽps, & maner del feaſans de ycel, les parties a le eſtate deliuer & priſe, les teſmoignes pſent al ceo, oue autres circumſtances.

some estate conueied or paſſed betweene the of lands or tenements ſhewing the names, place, & quantity of the land, the eſtate, time & maner of the doing thereof, the parties to the eſtate deliuered & taken, the witneſſes preſent at the ſame, with other circumſtances.

99 *Chattels.*

CHattels ſont en deux ſorts, ceſt adire, chattels reals & chattels perſonels. Chattels reals ſont leaſes pur ans, gards, & a tener a volunt.

Chattels perſonels ſont tours moueable biens, cõe arget, plate, biẽs del meaſon, chiuals, vacches, blees, & tiels ſemblables.

Chattels.

CHattels are in two ſorts that is to ſay, chattels reals, and chattels perſoneis. Chattels reals are leaſes for yeares, wards, & to hold at will.

Chattels perſonels are all moueable goods, as money, plate, houſhold, ſtuffe, horſes, kine, corne, & ſuch like.

100 *Childwit.*

CHildwit, hoc eſt, quod capiatis gerſummam de natiua veſtra corrupta & pregnata ſine licentia veſtra.

Childwit.

CHildwit, that is, that you may take a fine of your bondwomen, beſſied and begotten with childe without your licence.

101 *Chimin.*

CHimin eſt le hault voy lou cheſcun home paſſa que eſt appel via Regia, & vncore le Roy nad

Chimin.

CHimin, is the high way where euery man goeth which is called via regia, and yet the King hath no other

other thing there but the passage for him & his people, for the freeholde is in the Lord of the soile, and all the profite growing there, as trees and other things.

102 *Thing in action.*

THing in action, is when a mã hath cause, or may bring an action for some dutie due to him, as an action of debt vpon an obligation or annuitie, or rẽt, action of couenãt, or ward, trespas of goods taken away, beating or such like, and because that they are things whereof a man is not possessed, but for recouerie of them is driuen to his action, they are called Things in action. And those things in action that are certaine, the Queene may graunt, and the grantee may vse an action for them in his owne name only. But a common person cãnot grant his thing in action, nor the Queene her selfe cannot grant her thing in action which is vncertaine, as trespasse & such like.

aut̃ chose la forsq; le passage pur luy & son people, car le frãktenem̃t est en le Sñor del soile, & touts les ꝓfits cressants la come arbres & auters choses.

Chose en action.

Chose en action est quant vn hõe ad cause, ou poit porter vn action pur ascun dutie due a luy, cõe vn actiõ de det sur vn obligation, annuity, ou rent action de couenant, ou gard, trñs des biẽs emporte, baterie, ou tiels semblables, & pur ceo q̃ ils sont choses de q̃ux vn home nest possesse, mes p̃ recouerie de eux est mis a son actiõ, ils sont appel choses en actiõ & ceux choses en actiõ q̃ sont certaine le Roigne poit grant̃, & le grantee poit vser vn action pur eux en son nosme demesne solem̃t. Mes vn common person ne poit graunter son chose en action, ne Roigne luy mesme ne poit graunter sa chose en action quel est vncertaine, come trespas & tiels semblables.

103 *Cinque ports.*

CInque portes, ſont certaine hauen villes, ſinke en number, as queux ad eſte graunt long temps paſſe mule liberties (que autres port villes nont) & ceo primerment en le temps del Roy Edward appel le Confeſſor (que fuit deuant le conqueſt) & fueront encreaſe apres, & ceo eſpecialment en les iours del trois Edwards, le primer ſecond & le tierce (apres le conqueſt) come apiert en le lieur de Domeſday, & auts vieux Monuments, queux en ceſt lieur ſerront trope long de citer.

Cinque ports.

CInque ports, be certaine hauen townes, fiue in number, to which haue beene graunted long time ſince many liberties (that other port Townes haue not) and that firſt in the time of K. Edward called the Confeſſor, (who was before the Conqueſt) and hath bin increaſed ſince, & that chiefliе in the dayes of the three Edwardes, the firſt, the ſecond, and third, (ſince the Conqueſt) as appeareth in the booke of Domeſday, and other old Monumentes, which in this worke ſhould bee too long to recite.

104 *Circuity de action.*

CIrcuitie de action, eſt quãt vn action eſt droiturelment port pur vn durie mes vncore circum le buſh come ſemble, pur ceo q̃ ceo poit ſibein eſtre autrement reſpondue & determin & le ſuit ſaue, & pur ceo q̃ meſme le action fuit pluis que beſoigne, il eſt appel circuit de action. Come ſi vn home graunt vn rent charge de x. li. ouz

Circuitie of action.

CIrcuitie of action, is whe an action is rightfullie brought for a durie, but yet about the buſh, as it were, for that it might as well beene otherwiſe anſwered and determined, and the ſuite ſaued, and becauſe that the ſame action was more then needfull, it is called circuitie of action: As if a man grant a rent charge of x. pound ouz

out of his manor of Dale, and after the Graunter disseiseth the Grauntor of the same manor of Dale, and he bringeth an Assise, and recouereth the lande, and xx. pound damages, the which xx. pound being paied, the Grauntee of the rent sueth his action for x. pound of his rent due during the time of the disseisin, which if no disseisin had bin he must haue had, This is called circuite of action, because it might haue bin more shortlie answered, for whereas the grauntor shall receiue xx. pound damages, & pay x. pound rent, he might haue receiued but the x. li. onely for the damages, and the grauntee might haue cut off & kept backe the other x pound in his handes by way of deraine for his rent, and so thereby might haue saued his action.

hors de son manor de Dale, & apres le Grauntee disseisist le Grauntor de mesme le manor de Dale, & il port vn Assise & recouer le terre & xx. li. damages, lequel xx. li. esteant paie, le Grauntee del rent sue son action pur x. li. de son rent due durant le temps de le disseisin, le quel si nul disseisin ad este il doit auer ew, Ceste appel circuitie de action, pur ceo que il poit auer estre pluis briefment respondue, car lou le grauntor doit receiue xx. li. damages, & pay x. li. rēt, il puit auer receiue forsque le x. li. solement pur les damages, & le grauntee puit auer recoupe & retaine arrere le auter x. li. en ses maines per voy de detainer pur son rent, & issint per y cel poit auer saue son action.

205 *Claime.*

CLaime is a challenge by any man of the propertie or ownership of a thing which hee hath not in possession, but that which is

Claime.

CLaime est vn challenge per ascun home de le propertie ou ownership de vn chose que il nad en pose sessiō, mes ceo que est

detaine a luy torciousement.

106 *Clergie.*

CLergie est vn auncient libertie confirme en diuers Parliamentes. Et est quant vn home est arraign de felonie ou tiels semblables deuaunt vn temporal Iudge &c. & le prisoner pria son Clergie, cest adire, pur auer son Lieur, quel en auncient temps fuit autant si come il vst prie deste dismisse del temporall Iudge, & deste deliuer al Ordinary de purger luy mesme de mesme offence. Et donques le Iudge commandera le Ordinarie de trier sil poit lyer come vn Clerke en tiel lieur & lieu come le Iudge assignera. Et sile Ordinary certifie le Iudge, que il poit, donques le prisoner nauera iudgement de perder son vie. Vide Stamford lib. 2. Cap. 41. & quere le statute 18. Eli. cap. 7.

107 *Clerke Attaint.*

CLerke Attaint, est celuy que pria son cler-

withholden frō him wrongfullie.

Clergie.

CLergie, is an auncient liberty confirmed in diuers parliaments. And it is when a man is arraigned of felony and such like before a temporall Iudge &c. & the prisoner prayeth his Clergie, that is to say, to haue his booke, which in auncient time was as much as if hee desired to be dismissed from the temporall Iudge, and to be deliuered to the Ordinary to purge himselfe of the same offence. And then the Iudge shall command the Ordinary to try if hee can read as a Clerke in such a booke and place as the Iudge shall appoint. And if the Ordinary certifie the Iudge that he can, then the prisoner shall not haue iudgement to loose his life. See Stamford lib. 2. cap. 41. and seek the statute 18. Eliz. cap. 7.

Clerke Attaint.

CLerke Attaint, is hee which prayeth his clergie

gie after iudgement giuen vpon him of the Felonie, & hath his Clergie allowed, such a clerke might not make his purgation.

108 *Clerke conuict.*

CLerke conuict, is hee which prayeth his clergie before iudgement giue vpon him of the Felonie, and hath his Clergie to him granted, such a clerke might haue his purgatiõ. Note that this purgation was made, when he was dismissed to the Ordinary, there to be tried of the enquest of clerks. And therefore now by the Stat. of 18. Eliz. c.7. no such is put to the Ordinarie.

109 *Coadiutor.*

COadiutor to the disseisin is hee, which with another disseiseth one of his freehold, to the vse of the other: and he shall bee punished as a disseisor, but hee is not such a disseisor which gaineth the freehold, but the freehold besteth and is all in him to whose vse the disseisin was committed, as it appeareth in Littleton lib.3. cap.3. of ioyntenants.

gie apres iudgement sur luy done de Felonie, & ad son Clergie allow, tiel clerke ne poit faire son purgation.

Clerke conuict.

CLerke conuict, est cestuy que pria son clergie deuant iudgment done sur luy de le Felonie, & ad le Clergie a luy graunt, tiel clerke puit faire son purgation. Nota que cel purgation fuit fait quant il fuit dismisse al ordinary, la destre trie del enquest del clerkes, & pur ceo ore per statute 18. Eliz. cap. 7. nul tiel est misse al Ordinarie.

Coadiutor.

COadiutor al disseisin est celuy, que oue auc disseise vn de son franktenement al vse de lauter, & il serra puny come vn disseisor, mes il nest tiel disseisor que gaine le franktenement, mes le franketenement vest & est tout en celuy, a que vse le disseisin fuist commit, come appiert en Littleton lib 3.cap.3.de ioyntenants.

Colour. Colour.

COlour, est vn fained matter, le quel le defendant ou tenaunt vse en son barre, quant vn action de trespas ou vn Assise est port enuers luy, en le quel il done le demaundant, ou plaintife vn shew prima facie, que il ad bone cause de action, lou en veritie il nest iust cause, mes tantsolement vn colour, ou visour dun cause: Et il est vse al entent que le determination del action doet este per les iudges, & nemy par vn ignorant Iurie de 12. homes. Et pur ceo vn color doet este vn matter en ley, ou difficult al lay gents: come pur example, A. port vn Assise de terre enuers B. & B. dit que il mesme lessa in le terre al vn C. pur terme de vie & apres grant le reuersion al A. le demandant, & puis C. le tenant pur terme de vie moruft, apres que de cease A. le demandat claimant le reuersion p force del graunt (ou C. le tenant pur vie ne vnques atturne) entra, sur que B.

Colour. Colour.

COlour, is a fained matter, which the defendant or tenant vseth in his bar, when an action of trespas or an Assise is brought against him, in which he giueth the demaundant or plaintife a shew at the first sight, that hee hath good cause of action, where in troth it is no iust cause, but only a color & face of a cause: & it is vsed to the intent that the determinatiō of the action should bee by the iudges, & not by an ignorant Iurie of 12. men: and therfore a color ought to be a matter in lawe or doubtful to ỹ commō people: as for exaple, B. bringeth an assise of land against B. and B. saith ỹ he himselfe did let the same land to one C. for terme of life, & afterward did grant the reuersion to A. the demandant, & after C. the tenant for terme of life died, after whose decease, A. the demandant claiming the reuersion by force of ỹ grant (whereto C. the tenant for life, did neuer (atturne entred, vpon whome B. entred,

entred, against whome A. for that entre, brings this assise &c. This is a good colour because the comyn people think that the land will passe by the grant without Attornement, where indeed it will not passe, &c.

Also in an action of trespasse, colour must be giue, and of them are an infinite number, one for example: in an action of trespasse for taking away the plaintifes beasts the defendāt saith, that before the plaintife had any thing in them, hee himselfe was possessed of thē as of his proper goods & deliuered them to A. B. to deliuer them to him againe, whē &c. And A. B. gaue thē vnto ꝑ plaintife, and the plaintife supposing the propertie to be in A. B. at the time of the gift, tooke them, and the defendant took them from the plaintife, whereupon the plaintife bringeth an action, that is a good colour, and a good plea. See more hereof in the Dialogues betwen the Doct. and Stud. lib. 2. cap. 13.

entra, enuers que A. pur ceo entre poit ceste assise &c. Ceste vn bone colour, pur ceo que les ley gentes pēsant que le terre voile passe per le graunt sans attornment, lou en fait il ne voile passe, &c.

Auxy en vn action de trespasse, colour doit este done, & de eux sont vn infinite number, vn pur example: En vn action de trespasse pur prisel de auers del plaintife, le defendaunt dit, que deuaunt le plaintife riens auoit en eux, il meisme fuit possesse de eux come deses proper biens, & eux deliuer al A. B. pur eux rebailer a luy quando &c. & A. B. eux dona al Plaintife, & le Plaintife suppose le propertie destre en A. B. al temps del done prist eux, & le defendaunt eux reprist del plaintife, sur que le plaintife port laction: ceste vn bone colour, & vn bone plea. Vide de ceo pluis en les Diologues enter le Doctor & Student. lib. 2. cap. 13.

211 *Colour de office.*

COlore officij eſt toutes dites priſt in malam partem & ſignifie vn act malement fait per le coũtenance de vn office, & il port vn diſſimulant viſage del droit office, lou le office neſt que vaile del fauxitie & le choſe eſt ground ſur vice & le office eſt cõe vn ſhadow al ceo. Mes ratione officij, & virtute officij ſont priſes touts fvites in bonam partem, & lou le office eſt le iuſt cauſe del choſe, & le choſe eſt purſuant al office.

Colour of office.

COlour of office, is always také in the worſt part, and ſignifieth an act euill done by the countenance of an office, and it beareth a diſſembling face of the right office, whereas the office is but a vaile to the falſehood, and the thing is grounded vpon vice, & the office is as a ſhadow to it. But by reaſon of the office, and by vertue of the office are taken always in the beſt part, and where the office is the iuſt cauſe of the thing and the thing is purſuing the office.

212 *Colluſion.*

COlluſion, eſt lou vn action eſt porte vers vn auter per ſon agreement demeſne, ſi le plaintife reuouer, tiel recouerie eſt dit per colluſion, & en aſcun caſes le colluſion ſerra enquire come en vn Quare impedit, Aſſiſe & tiels ſemblables, queux aſcun corporation ou corps politique port enuers auter al entent de auer le terre ou aduowſon,

Colluſion.

COlluſion, is where an action is brought againſt another, by his own agreement if the plaintife recouer, thé ſuch recouerie is called by colluſion, and in ſome caſes the colluſion ſhall bee inquired of as in Quare impedit, and Aſſiſe and ſuch like, which any corporation or body politique bringeth againſt another to the intent to haue the lande or aduowſon, whereof

where of ẏ writ is brought into Mortmaine. But in auowrie nor in any action personal, the collusion shal not be enquired. See the Statute W. 2. Chap. 32. which giueth the quale ius and inquirie in such cases.

113 *Commaundry.*

COmmaundry, was the name of a mannor or chiefe messuage, wͥ which landes or tenements were occupied belonging to the late Priory of S. Johns of Jerusalem in Englād, vntill they were giuen to King Henry the 8. by statute made in the 32. yeare of his Reigne: And hee, which had the gouernmēt of any such mānor or house was called the Commander, which had nothing to do to dispose of it but to the vse of the Priory, and to haue only his sustenāce of it according to his degree, which was vsually a brother of the same priorie which had beene made Knight in the warres against Infidels, and were latelie called Knightes of

dont le briefe est port en Mortmaine. Mes en auowrie ne en ascun action personall le collusion ne serra enquire. Vide statute W. 2. cap. 32. que done le quale ius & le inquirie in tiel case.

Commaundry.

COmmaundry, fuit lenosme dun mannor ou chiefe messuage, oue que terres oue tenemēts fueront occupies pteignant al priory de S. Iohns de Ierusalem in engliterre, tanque fuer̄ done al Roy Henry le huit per statute fait en lan 32. de son Reigne: & cestuy, que auoit le gouernmēt de ascun tiel manor ou mess. fuit appelle le commander, que nauoit rien a faire ou disposer de ceo forsque al vse del Priry, & dauer solement son sustenance de ceo, solonque son degree que fuist vsualment vn frere de m̄ le Priory, que eyst estr̄ fait chiualier en les gueres encounter Infidels, & fueront iadis appel knights de

le

le Rodes, ou Knightes de Malta, del lieux, lou lour graunde Maiſter del dit order enhabite: Vide le diſt ſtatute, & le ſtatute entitule de Templariis, le decay des queux fuer graund encreaſe de cel order, & pluſours de ceux commaũdries ſont en le pays noſmes le Temple.

the Rodes or Knightes of Malta, of ye places where their graunde Maiſter of the ſaid order did dwell: See the ſaid ſtatute, and the old Statute entituled de Templariis, whoſe decay was a great increaſe of this order, and many of theſe commaundries are called in the Countrie by the name of Temples.

COmmon ley, eſt pur le pluis part priſe 3. voyes. Primerment, pur les leyes de ceſt Realme ſimply, ſans aſcun aute ley, come cuſtomary ley, ciuill ley, ſpirituall ley, ou que cunque auter ley ioine a ceo, come quant il eſt diſpute en noſtre leyes Dangleſre, quid doet de droit eſte determine per le common ley, & quid per ſpirituall ley, ou le court del Admiral ou tiels ſemblables.

Secondariment il eſt priſe pur les Courtes le Roy, come le banke le Roy ou Common place, tantſolement pur monſtre vn difference perenter eux

COmmon law, is for the moſt part taken three wayes. Firſt, for the lawes of this Realme ſimple, without any other, as cuſtomarie lawe, ciuill law, ſpirituall law, or whatſoeuer els lawe ioyned vnto it, as when it is diſputed in our lawes of England, what ought of right to be determined by the common law, and what by the ſpirituall law, or Admirals court, or ſuch like.

Secondarilie it is taken for the Kings Courts, as the Kings Bench or common place, onely to ſhew a difference between them

and

and the base courts, as customarie courts, Court Barons, county courts, pipowders and such like, as when a plee of land is remooued out of auncient demesne, because the land is franke fee and pledable at the common lawe, that is to saye, at the Kinges court, and not in ancient demesne, or in any other base court.

Thirdly, and most vsually by the common lawe is vnderstood, such lawes as were generally taken and holden for lawe before any Statute was made to alter the same, as for example: Tenant for life nor for yeres, were not to bee punished for doing wast at the common lawe, till the Statute of Gloucester, c. 5. was made, which doth giue an action of wast against them. But tenant by the curtesie and tenant in dower were punishable for wast at the common lawe, that is to say, by the vsuall and common receiued lawes of the Realme before the said Statute of Gloc. was made,

& les base courtes, come customarie courts, courts Barons, countie courtes pipowders & tiels semblables: come quit vn plee de terre est remoue hors de ancient demesne pur ceo que le terre est franke fee & pledable al commō ley, ceste adire en la Court le Roy, & nemy en auncient demesne ou en ascun auter base court.

Tiercement & pluis vsualment per le common ley est entendue tiels leys que fueront generalment prise & tenus pur ley deuāt que ascun estatute fuit fait pur alter ceo, come pur exāple. Tenant pur vie, ne pur ans ne fueront deste punish pur fesance wast al common ley tangs lestatute de Glouceſter ca. 5. fuit fait, le quel done vn action de wast enuers eux. Mes tenant per le curtese, & tenant in dower, fueront punishable pur wast al common ley, ceste adire, per le vsuall & common receyued leys le Realme deuant le dit statute de Glouceſter fuit fait,

115 Com-

COmmon, eſt le droit que home ad de mitter les beaſts a paſture, ou de vſer & occupier le ſre que neſt ſon proper ſoile.

Et nota que ſont diuers commons, ceſt adire common en groſſe, common appendant, common appurtenant, & common per cauſe de viſinage.

Common en groſſe eſt lou ieo per mon fait grant a vn auter, que il auer cõmon in ma terre.

Common appendant eſt lou home eſt ſeiſi de certein terre, a q̃ il ad common in auter ſoil, & touts ceux que ſeront ſeiſi del dit terre aueront le dit cõmon ſolement pur ceux beaſts que compaſt ſa terr a que il eſt appendant, excepte oyſons, chiuers, & porceoux.

Et toutes iours, ceſt cõmon eſt per preſcriptiõn, & de common droit, & il eſt appendant al terre erable ſolement, &

COmmon, is the right, that a man hath to put his beaſts to paſture, or to vſe & occupie the grounde, that is not his owne.

And note that there bee diuers commons, that is to ſay, common in groſſe, common appendant, common appurtenant, and cõmon becauſe of neighbourhood.

Common in groſſe is wher I by my deed grant to another that hee ſhall haue common in my land.

Common appendant is where a man is ſeiſed of certaine land, to the which hee hath common in anothers ground, and all they that ſhall bee ſeiſed of the lande haue the ſame common only for thoſe beaſts which compaſt that lande to which it is appendant, excepting geeſe, goats, & hogges.

And alwaies that common is by preſcription and of common right, and it is appendant to erable lande onely, and

not

nut to any other land or house.

Common appurtenant is in the same manner as common appendant. But it is with all manner of beastes, as well hogges, goates, and such like, as horses, kine, oxen, sheepe, and such as compasse the grounde. And this common may bee made at this day, & may be severed from the land to which it is appurtenant, but so can not common appendant.

Common because of neighborhood is where the tenants of the Lords which bee seised of two townes, where one lyeth nigh an other, & every of the same used from the time whereof no minde runneth, to have common in the other towne with all manner of beastes commonable.

Mes lun ne poit mitter ses aners en le terre lauter. car la ceux de lauter ville poient eux distraine dammage fesint, ou auer action de Trespas, mes ils eux mittera en lour campe demesne, & sils estray en les

But the one may not put his cattel in the others ground, for so they of the other townes may distraine them damage fesant, or may have an action of trespas, but they may not put the into their owne fields, and so if they stray into nemy al auter terre ou meason.

Common appurtenant est en mesme le manner come commō appendant. Mes est ouesque toutes manners des auers cibien porceaux, chiuers & tiel semblable, come chiuals, vacches, boefes, berbits, & tiels q̄ compasser le terre. Et tiel common poit este fait a cest iour, & poit este sever del terre a q̄ il est appurtenant, mes issint ne poit cōmon appendant.

Common pur cause de visinage est lou les tenants de deux Seigniours que sont seisies de deux villes, dont lun gist pres lauter, & chescun de eux ont vse de temps dont memory ne court, de auer cōmon ē auter ville, ouesque touts beasts comminable.

les campes del auter ville, ils la doyent eux sufferer. Et les inhabitants de lun ville ne doient mitter eins tants come il voile, mes ayant regard al franktenement de l inhabitants de le auter ville, car auterment il ne serroit bon vicinitie, sur que tout cest matter depend.

the fields of the other towne, there they ought to suffer them. And the inhabitants of the one town ought not to put in as many beasts as they will, but having regard to the inhabitants of the other town, for otherwise it were no good neighborhood, upon which all this matter doth depend.

116 *Condition.*

COndition, est vn restraint ou bridle annex & ioyne al chose, issint que per le non performance & fesans de ceo le partie al condition receiuera preiudice & perde, & per le performance & faire de ceo commodite & aduauntage.

Conditions.

COndition, is a restraint or bridle annexed and ioyned to a thing, so that by the not performance or not doing thereof the partie to the condition shal receiue preiudice and losse, and by the performance & doing of the same commodities and aduantage.

Et touts conditions sont ou Conditions actuall & expresse, queux sont appel Conditions en fait, Ou ils sont conditions implicite ou tacite, & nient expresse, les queux sont appelles Conditions en ley.

And all Conditions are either Conditions actuall and expressed, which bee called Conditions in deed, or els they be conditions implied or tacite, and not expressed, which are called Conditions in law.

Auxy touts conditions sont ou Conditions precedent & vaiant deuant lestate, & sont executed, ou

Also all Conditions are either Conditions precedent and going before the estate, and are executed, or

els

eis subsequent & following after the estate and executorie.

The Condition precedent doth get & gaine the thing or estate made vpon condition by the performance of the same.

The Condition subsequent doth keepe and continue the thing or estate made vpon condition by performance of the same.

Actuall and expresse condition, which is called a Condition in deede, is a condition knit & annexed by expresse wordes to the feoffement, lease, or grant, either in writing or without writting: As if I infeoffe a man in landes reserving rent, to bee payed at such a feast, vpon condition, that if the feoffe fail of payment at the day, that then it shall be lawfull for me to reenter.

Condition implied or couert and not expressed, which is called a condition in lawe, is when a man graunteth to an other the office to be keeper of a Parke, Steward, Beadle, Bayliffe, or such like

subsequent & veniens apres le estate & executorie.

Le Condition precedēt gaine & obtaine le chose ou estate fait sur condition per le performance de le condition.

Le Condition subsequent garde & continue le chose ou estate fait sur cōdition per le performance de vcell.

Actuall & expresse condition, que est appelle vn condition en fait, est vn condition knit & annex per expresse parolx al feoffement, lease, ou graunt, ou en escript ou sans escript. Sicome ico enfeoffe vn home en terres reseruant rent, deste paied a tiel feast, sur condition, que si le feoffe faile de payment al iour, que donques il serra loyal pur moy de reenter.

Condition implicite ou tacite & nient expresse, q̄ est appel condition en ley, est quant home graunt al auter le office destr gardein dun Parke, Seneschall, Beadle, Bailise, ou tiels sembles

pur terme de vie, & nient obstant que la ne soit ascũ condition expresse en le graunt, vncore le ley parle couertment de vn condition, quel est, que si le grantee ne execute pas toutes points appertenant a son office, per luy mesme ou son sufficient deputie, donque serra loyall p̃ le grauntor de enter & discharge luy de son office.

Condition precedent & vaant deuant est, quant vn lease est fait al vn pur vie sur condition, que si le lessee pur vie voile payre al lessour xx. li. a tiel iour, que donques il auera fee simple, icy le condition preceede & va deuant le estate in fee simple, & sur le performance de le condition, get & gaine fee simple.

Condition subsequent, & veniens apres, est quant vn graunt a I. S. son manor de Dale en fee simple sur condition, que le grauntee paiera a luy a tiel iour xx. li. ou autrement que son estate cessera, icy le condition est

for terme of life, & though there be no condition at al expressed in the graunt, yet the law speaketh couertly of a condition, which is, that if the grauntee doe not execute all points appertayning to his office, by himselfe or his sufficient deputie, then it shall bee lawfull to the grauntor to enter and discharge him of his office.

Condition precedent & going before is, when a Lease is made to one for life vpon condition, that if the lessee for life will pay to the lessor xx. pound at such a day, that then hee shall haue fee simple, here the condition preceedes and goeth before the estate in fee simple, and vpon the performance of the condition, doth get and gaine the fee simple.

Condition subsequent, & comming after, is when one granteth to I. S. his manor of Dale in fee simple vpon condition, that the grauntee shall pay to him at such a day xx. pound, or else that his estate shall cease, here the condition is subse-

subsequent and following the estate in fee simple, and vpon the performance thereof both keepe and cõtinue the estate.

See more of this in Littleton lib. 3. cap. 5. And Perkins in the last title of Conditions.

117 *Confirmation.*

CONfirmation, is when one which hath right to any lands or tenementes maketh a deed to an other which hath thereof p̃ possession or some estate with these wordes, Ratificasse, Approbasse, Confirmasse, with intent to inlarge his estate, or make his possession perfect and not defesible by him that maketh the confirmation, nor by anie other that may haue his right.

Whereof see more in Littleton lib. 3. c. 9. of Confirmations.

118 *Confiscate goods.*

CONfiscate goods, are goods to which the law entitleth p̃ Queene when they are not claymed by anie other. As if a man be indicted that he felonie-

subsequent & ensuant le estate in fee simple, & sur le performance de ycel, gard & continue le estate.

Vide pluis de ceo en Littleton lib. 3. cap. 5. Et Perkins titulo vltimo de Conditions.

Confirmation.

CONfirmation est quant vn qne aiet droit al ascun terre ou tenemets fait vn fait a vn auter que ait ent le possession ou ascun estate oueiq̃ ceux parolx, Ratificasse, approbasse, cõfirmasse oue intent de enlarger son estate, ou faire son possession pfect & nient defesible per luy q̃ fait le confirmation, ne p ascũ auter qne poit aneigner a son droit.

Dont vide pluis en Littleton lib. 3. cap. 9. de Confirmations.

Confiscate bien.

CONfiscate biens, sont biens al queux le ley entitle de Roigne quant ils ne sont pas claime p ascun auter. Come si vn home soit enduct que il felonie-

ouſment emblea les biens de I. S. lou en veritie ils ſont ſes biens demeſne, & ils ſont miſe en court vers luy come vn mayneur, & donques il eſt demand que il dit a ceux biens, & il denie eux, ore per ceſt denier de eux, il perdra ceux biens, coment que apres il ſoit acquite del felony, & iſſint en autera ſemblable caſes.

ouſite thoſe the goodes of I. S. where in trueth they are his owne goods, and they are brought into the Court againſt him as a maimeur, and then hee is demaunded what he ſaieth to thoſe goods, & he denieth them, now by this denying of them, he ſhall loſe thoſe goods, although that afterward hee be acquited of the felonie, and ſo in other like caſes.

119 *Conſpiracie.*

COnſpiracie eſt vn briefe & giſt lou deux ou pluſors ſentailerent per ſerement, couenant, ou auter manaer aliance, que chefcun aydera auter pur indicter ou appeller aſc' home de felony, donques celuy que eſt per tiel maner endict ou appeal, auera ceſt briefe, Mes ceſt briefe ne giſt vers lendictors.

Conſpiracie.

COnſpiracie, is a writ & it lyeth where two or more knit themſelues together by oth, couenant, or other manner of aliſce, that euery one ſhall helpe other for to indict or appeale a mie man of felonie, then he which is by ſuch manner indicted or appealed ſhall haue his writ. But this writ lieth not againſt the indictors.

Vide pluis de ceo en Stamford lib. 3. cap. 12.

See more here in Stafford lib. 3. cap. 12.

120 *Cuſtome.*

COnſuetud' & ſeruitijs, eſt vn briefe, & giſt lou ieo ou mes anceſtr de puis

Cuſtome.

CVſtomes & ſeruices, is a writ, and lieth where I or my auncetors after

the

the limitation of assise (for which see the tittle of limitation in the collection of Statutes) were not seised of the customes or services of my tenaunt before, the I shall haue this writ to recouer those services.

Also the tenaunt may haue this writ against his Lord, but after that the tenant hath declared, the Lorde shall defende the words of the declaration, and replying shal say, that her distreined not for the customes whereof the declaration is, and then he shall declare all the declaration of the customes and services, & then the tenant who was plaintife shall become defendant, & shall defend by battaile or great assise.

121 *Consultation.*

COnsultation, look therefore after in the title of Prohibition.

122 *Continuall claime.*

COntinuall claime is where a man hath right to enter into certain lands whereof an other is seised in fee simple or fee tayle,

le limitation de assise (pur q̄l vide le tittle de limitation en collection destatutes) ne fueront sesie des customes ou seruices de mon tenant, mes deuant, donques ieo aũa cest brief pur recouer ceux seruces.

Auxy le tenaunt poyt auer cest briefe vers son Seigniot, mes apres que le tenant ad count le Seigniour defendera les motes del count, & repliant dira, que il ne distrayna pas pur les customes dont le count est, & donques il countera tout le count de les customes & seruices, & donques le tenant q̄ fuit plaintife deuiendra defendant, & defendra per battaile ou graund assise.

Consultation.

COnsultation, Vide de ceo apres en le tittle de Prohibition.

Continuall claime.

COntinuall claime est lou home ad droit de entre en certaine terres dont vn auter est seisie en fee simple ou fee tayle,

& il ne oſaſt enter pur paour de mort ou batterie, mes aprocha cy pres come il oſaſt, & fait claime a ceo deins le an & iour deuant le mort de ceſtuy que ad le terre, ſi apres ceſtuy que ad le terre deuie ſeiſie, & ſon heire eſt eins per diſcent, vncore ceſtuy que fait tiel claime poit enter ſur le heir nient contriſteant tiel diſcent, pur ceo que il ad fait tiel continuall claime. Mes il couient que ceſt claime touts foits ſoit fait deins lan & iour deuant le mort le tenant, car ſi tiel tenant ne moruſt ſeiſie deins lan & iour apres tiel claime fait, & vncore il que ad droit noſaſt enter, donques couient al ceſtuy que ad tiel droit de faire auter claime deins lan & iour apres le primer claime, & apres tiel ſecond claime de faire le tierce claime deins lan & iour, ſi il voit eſte ſure de ſauer ſon entre. Mes ſi le diſſeiſor deuie ſeiſie deins lan & iour apres le diſſeiſin, & nul claime fait, donques le

and hee dare not enter for feare of death or beating, but approcheth as nigh as he dare, and maketh claime thereto within the yeare and day before the death of him that hath the lande, if after hee which hath the lande die ſeiſed, & his heire is in by diſcent, yet he that maketh ſuch claime may enter vpon the heire notwithſtanding ſuch diſcent, for that that he hath made ſuch continuall claime: but it behooueth þ ſuch claime alwaies bee made within the yeare, & the day before the death of the tenant, for if ſuch a tenant doe not die ſeiſed within a yeare and a day after ſuch claim made, and yet he that hath right dare not enter, then it behoueth him that hath ſuch right to make an other claime within the yeare & day after the firſt claime, & after ſuch ſecond claime to make þ third claime within the yeare and day, if hee will be ſure to ſaue his entry. But if the diſſeiſor die ſeiſed within the yeare and day after the diſſeiſin, and no claime made, then the

entre

entre of the disseisee is taken away, for the yeare & day shall not be taken frō the time of the title of the entre to him growen, but only frō the time of the last claime by him made as is aforesaid. See more here of in Lit. lib. 3. cap. 7.

123 *Counterplee.*

COunterplee, is where one bringeth an action, & the tenāt in his answer & plee voucheth or calleth for any mā to warrant his title, or praieth in aid of an other, which hath better estate thē he, as of him ꝑ is in the reuersion, or if one that is a straunger to the action, come & pray to bee received to saue his estate, if the demaundant replie thereto, & shew cause that hee ought not such a one to vouch, or ꝑ he ought not of such a one to haue ayde, or that such a one ought not to be received, this plee is called a Counterplee to the voucher, aid, or receit, as the case is, but if the voucher bee allowed, and when ꝑ voucher cōmeth in & demaundeth what cause the tenant hath, & the tenentre le disseisee est tolle, car lan & iour ne serra prise de le temps del title dentre a luy accrue, mes solement de le temps del darreia claime ꝑ luy fait, come est anauntdit. Vide pluis de ceo en Littleton, lib. 3. cap. 7.

Counterplee.

COunterplee est lou vn port vn action, & le tenant en son respons & plee vouch ou appel pur ascun home pur garrant son title, ou prayer ayde de auter, que ad meliour estate, cōe de cestuy en la reuersion, ou si vn estrange al action vient & prayera deste resceu de sauer son estate, si le demaund' reply a ceo, & monstre cause que il ne doit tiel home voucher, ou que ne doit de tiel home eyde auer, ou que tiel home ne doit este resceu, ceest plee est appel vn counterplee al voucher, ayde, ou resceit come le case est, mes si le voucher soit allow, & quant le vouche vient eins & demaunde quel chose le tenaunt ad de luy voucher, & le te-

naunt monſtre ſon cauſe, & le vouchee plede aſcun matter de auoyder le garranty, ceo eſt appel counterplee del garrantie.

naunt sheweth his cause & the vouche pleed to anie thing to auoid the warrantie, that is called a counterplee to the warrantie.

COntract, eſt vn bargaine, ou couenant perenter ij. parties ou vn choſe eſt done pur auter q̄ eſt appel (Quid pro quo) come ſi ieo vende mon chiual pur argent, ou ſi ieo couenant de faire leaſe a vous de mon mannor de Dale, en conſideration de xx. li. que vous dones a moy, ceux ſont bone contracts, pur ceo q̄ il ad vn choſe pur auſ. Mes ſi vn home fait promiſe a moy, que ieo aueta xx. s. & q̄ il voyle eſte dettour a Moy de ceo, & puys ieo demaunde xx. s. & il ne voyle a moy deliuer, vncore ieo nauera iammes action pur recouer ceſt xx. s. pur ceo que ceſt promiſe ne fuit contract, mes nudus pactus. Et ex nudo pacto non oritur actio, mes ſi aſcun choſe fuit done pur le xx. s. meſque

COntract, is a bargaine, or couenant betweene two parties, where one thing is giuen for another which is called, Quid pro quo, as if I ſell my horſe for money, or if I couenat to make you a leaſe of my mannor of Dale in conſiderition of xx. li. that you ſhall giue mee, theſe are good contracts, becauſe there is one thing for another, but if a mā make promiſe to mee, that I ſhall haue xx s. and that he will be debtor to mee therefor, & after I aſke the xx. s. and he will not deliuer it, yet I ſhall neuer haue any action to recouer this twentie ſhillings, for that that this promiſe was no contract, but a bare promiſe, And ex nudo pacto nō oritur actio, but if any thing were giuen for the twentie ſhillings, though it were

not

not but to the value of a penez, then it had beene a good contract.

al ne fuit forsque al value vn denier, donques il fuit bone contract.

125 *Contra formam collationis.*

Contra formam collationis.

COntra formam collationis, is a Writt, and it lieth where a man hath giuen landes in perpetuall almes to ame of the late houses of Religion, as to an Abbot, and to the couent or other soueraigne, or to the Warden or Master of any Hospitall, and his couent to find certaine poore men, and to do other deuine seruice, if they alien the lands, then the donour or his heires, shall haue the said Writt for to recouer the land, but this writ shall be alway brought against the Abbot or his successour, and not against the alienee, although that hee be tenant, but in all other actions where a man demaundeth freehold, the Writt shall be brought against the tenaunt of the land. See the Statute Westm. 2. cap. 41.

COntra formam collationis, est vn briefe, & gist lou home done terres en perpetuall almoigne a alcun meason de Religion, come a vn Abbe & la couent ou a aut Soueraigne, ou al garden ou Master de ascun Hospital, & son conent, de troue recertaine pouer homes, & de faire auter deuine service, sils alien les terres, donques le donour ou ses heires, aueront le dit briefe pur recouer le terre, mes cest briefe serra touts foits ports vers le Abbote ou son successor, & nemy vers alienee, coment que il soit tenant mes en touts auters actiõs lou home demaund franktenement, le briefe serra port vers le tenant del terre. Vide le Statute West. 2. cap. 41.

126 *Contra formam feoffamenti.*

CONtra formam feoffamenti, eſt vn briefe, & gift lou vn home deuaunt le eſtatute de Quia emptores terrarum, quel fuit fait Anno 18. Edw. le priñ infeoffe auter per fait de faire certaine ſeruice, ſi le feoffour ou ſes heires diſtraine luy de faire auter ſeruice que eſt compriſe en le fait, donques le tenaunt auera ceſt briefe, luy commandant que il ne diſtrain luy de fayre auter ſeruice, que neſt compriſe deins le fait, mes ceſt bꝛe ne giſt ꝓ le plaintiſe que claime per purchaſe del primer feffee, mes pur tiel plaintiſe que claime come heire al primer feffee.

Contra formam feoffamenti.

CONtra formam feoffamenti, is a Writ, and it lyeth where a man before the ſtatute of, Quia emptores terrarum, which was made An. 18. Ed. the firſt infeoffed an other by deed to do certaine ſeruice, if the feoffour or his heires diſtraine him to doe other ſeruice then is comprized in the deede, then the tenant ſhall haue his Writ, commanding him that he diſtraine not him to doe other ſeruice, that is not comprized within the deed, but this Writ lyeth not for the plaintif which claimeth by purchaſe from the firſt feffee: but for ſuch plaintife as clayneth as heire to the firſt feffee.

127 *Contributione faciendo.*

CONtributione faciendo, eſt vn briefe, & gift lou ſont diuers Parceners & celuy que ad ſe part del eygn, fait tout le ſuit al Seigniour, les auters doien faire contributiõ a luy,

Contributione faciendo.

CONtributione faciendo, is a Writ, and it lyeth where there are diuers Parceners, and he which hath the part of the eldeſt, doth make all the ſuite to the lord, the other ought to make contribution to him,

and

and if they will not, he shal haue against them the said Writ.

128 *Conusance.*

COnusance of Plee, is a Priuiledge that a Citie or Towne hath of the Kings graunt to hold plee of all contractes, and of of landes within the precinct of the Franches, and that when any man is impleaded for any such thing in the Court of the King at Westminster, the Maior and Bailifes of such Franchises or their attorneys may aske Conusance of the plee, that is to say, that the plee and the matter shall bee pleaded and determined before them.

But if the Court at West. be lawfully seised of the plee, before Conusance be demaunded, then they shall not haue Conusance for that suit, because they haue negligently surceased their time of demãd therof, but this shall bee no barre to them to haue Conusance in an other action, for they may demand conusance in one action, & omit it in another

& sils ne vielleint il auer vers eux le dit briefe.

Conusance.

COnusance de plee, est vn priuiledge que vn citie ou ville ad del graunt le Roy de tener plee des touts contracts, & des terres deins le precinct del Fraunchises: & quant ascũ home est impleaded, pur ascun tiel chose en le court de Roy al Westminster, les Maiors ou Bailifes de tiels Franchises ou lour Atturneys poyent demaunder Conusance del plee, scilicet, que le plee & le matter serra plede & determine deuant eux.

Mes sile court al West. soit loyalment seisi del plee deuaunt que Conusance soit demaund, donques ils ne aueront Conusance pur cest suite, pur ceo q̃ ils ont negligentm̃t surcease lour temps de demaunder ceo, mes cest ne serra barre al eux dauer conusance en auter action, car ils poyent demaunde Conusance en vn action, & omitte ceo en auter

action

action a lour pleasure.

Et nota que Conusance ne gist en prescription, mes ils couient monstre letters patents le Roy pur ceo.

139 *Corodie.*

COrodie est vn allowance de meate, pane, boyer, argent, vestmentes, lodg. & tiels choses necessarie pur sustenance: ceo ascun foits est certeine ou le certainty des choses est limit, ascun foits vncertein lon nest limit le certeintie que il auer, Et ascun de eux commence per graunt fait per ascun home al auter, & poit estre pur vie, ans, en tail ou fee: & ascun Corodies sont de cõmon droit, si come chescun fouder de Abbie, Priories, Nunries, & auters measons de religion papistick, auoient authoritie dassigner tiel in mesme les measons (quant ils fueront) pur son pere, frere, cosin ou auter home que il voit, que prendroit ceo, sil fuit vn meason demoignes, & sil soit fouder del meason de Nunnes

action at their pleasure.

And note that Conusance lyeth not in prescription, but it behoouyeth to shew the kings letters patents for it.

Corodie.

COrodie is an allowance of meate, bread, drinke, money, clothing, lodging, and such like things necessarie for sustenance, It is sometimes certeine where the certainty of things is set downe, sometimes vncertaine where the certeintie of thinges is not sette down which he that haue, And some of them began by graunt made by one vnto another, and it may be for life, yeres, in taile, or in fee, & some Corodies are of common right as euerie founder of Abbies, Priories, nunnes, & other houses of religion, had authoritie to assigne such in the same house, whē they were standing for father, brother, cosin or other mā that he would appoint, should take it, if it were a house of Monks, and if he were founders of a house of Nuns

or

or women, then for his Mother, sister, cosin, or other woma that he would direct thether, and alwaies this was prounded for, that he ꝑ had Corodie in a house of Monkes might not send a woman to take it. For where Corodie was due in a nunrie, there it was not lawfull to appoint a man to receiue the same, for in both cases such presentation was to be reiected, And this Corodie was due as well to a common prisoner that was founder, as where ꝑ King himselfe was founder, but where the house was holden in frankalmoigne, there the tenure it self was a discharge of Corodie against all men, except it were afterward charged voluntarilie, as when the king would send his writ to the Abbot for a corodie, for such a one whom they admit, there ꝑ house should be thereby charged for euer, whether the King were founder or not. See the Writ of Corod. hab. in Fitz. Natura br. Fol. 230.

ou muliers, donque ceo pur la mere, soer, cosin, ou auter mulier que il voil direct al ceo, & toutes iours ceste prouiso fuit ew, que il que ad Corodie en vn meason de moignes ne doit mitter vn feme de prender ceo. Ne ou Corodie fuit due en vn Nunrie, la il ne fuit loyall de appointer vn home de receiuer ceo, car en ambideux cases tiel presentation fuit deste reiect. Et ceste Corodie fuit due sibien a vn common person que fuit founder, si come ou le Roy mesme fuit founder, mes ou le meason fuit ten' en frankalmoigne, la le tenure mesme fuit vn discharge de corodyencõter touts homes si non que il fuit apres charge voluntariment, come ou le Roy voit mitter son briefe al Abbe pur vn Corodie pur vn tiel le que ils admit, la le meason doit este charge per ceo a toutes iours, si le Roy soit found' ou nemy: vide breue de Corod. hab. en Fitz. Natura br. fol. 230.

139 Coroner.

COroner est vn auncient officer de trust, & de graund authoritie, ordeine deste vn principall conservator, ou gardein de la peas, a porter record ds plees del crowne & de son view demesne & de diuers autre choses muste en number &c. & pur ceo en temps le roy Edward le primer cest estatute sequens fuit fait pur ceo quo petit gents meins sages soient esticus ore de nouel communement al office del Coroner, ou mistyer serroyt que probes homes, loyalx & sages se entermellant de cel office. Purueu est, que per touts les counties soyent esticus sufficient homes coroners, de pluis loiails & pluis sages chiualers, que mieux schant puissint & violent a cel office entender, & que loyalment attachent & representent le plees del Corone.

Et nient obstante le lett de cest estatute nc soit precisement obserue, vncore al meins le entent doit estre purlue, cy pres come

Crowner.

CRowner, is an ancient Officer of trust and of great authoritie ordained to be a principall conservator, or keeper of ꝑ peace to beare record of ꝑ Plees of the crown, & of his own sight, and of diuers other thinges many in number, &c. and therefore in King Edw. the first dayes this Statute following was made, forasmuch as meane men, and vndiscreete now of late are commonly chosen to the office of the Coroner, where it is requisite that wise men lawfull and able should occupie such offices. It is prouided ꝑ through al shires sufficient men should be chosen to be Coroners, out of the most wise & discreetest Knights which best knewe could & would attend this Office, and which faithfully made and represented the plees of the Crowne.

And although the Letter of this Statute bee not precisely obserued, yet at the least the intent should bee followed as nighe as

mought

mought be, for that the default of Knights Gentlemen furnished with such qualities as the Statute setteth downe (of which sort there be many) might be chosen with this addition that they be vertuous, and good knowen christians. See hereof in the Writt de Coronatore eligendo in Fitz. Natura breuium fol. 163.

131 Corporation.

CORporation, is a permanent thing that may haue succession: And it is an assemblie and ioyning together of many into one fellowship, brotherhood, & mind, whereof one is head and cheife, the rest are the bodie, and this head and bodie knit together make the Corporation. Of Corporations some are called spirituall and some temporal, and of those that are Spirituall, some are corporations of dead persons in Law, and some otherwise, and some are by the authoritie of the King only, and some haue beene of a mixt authoritie.

port, issint que p̄ le default des Chiualers, Gentlehomes furnisshed oue tiels qualities si come le Statute parle (de que ils y ad diuers) poyent estre esslieu, oue ceste addition que ils soient vertuous & bon conus Christians. Vide de ceo en le briefe de Coronatore eligendo in Fitz. Natura breuium fol. 163.

Corporation.

CORporatiō, est vn chose permanent que poit auer succession: Et est vn assemblie & ioyning ensemble de diuers en vn fellowship, fraternitie, & ment, de que vn est le teste & principall, les auters sont le corps, & ceste teste & corps iont ensemble sont le Corporation. Et de Corporations ascuns sont appelles spirituals & ascus temporals, & de ceux que sont spirituals ascuns sueront corporations de more persons en ley, & ascuns auterment, & ascuns sont per authoritie del Roy solement, ascuns ont estre dun mixt authority.

Et

Et de ceux queux sont temporall ascuns sont per auctoritie de Roigne auxy, & ascuns per le common ley del Realme.

Corporation Spirituall, & de mort persons en le ley, est lou le Corporation consist dun Abbe & Couent, & ceux ont lour cõmencement del Roy, & le home de Rome, quant il y ad a faire cy.

Corporation spiritual & del able persons en ley, est lou le Corporation consist dun Deane & Chapter, Maister del Colledge ou Hospitall, & cest corporation ad commencement del Roy solement.

Corporation temporall p le Roy est lou est vn Major & Communalte.

Corporation temporall per auctoritie del common ley est le assembly en Parliament le quel consist del Roigne le teste del corporation, & des Seignors spirituals & temporals, & les Commons del Realme, le corps del corporation.

And of those that are temporall, some are by the authoritie of the Queene also, and some by the common law of the Realme.

Corporation spirituall, and of dead persons in the law, is where the Corporation consisteth of an abbot and Couent, and these had beginning of ꝑ king, & the man of Rome when he had to doe heere.

Corporation spirituall, and of able persons in law is where the Corporation consisteth of a Deane and Chapter, Master of a colledge or Hospitall, & this corporatiõ had beginning of the king only.

Corporation temporal by the king is where there is a Maior & Communalty.

Corporation temporall by authoritie of the Common lawe is the assemblie *in Parliament, which consisteth of the Queene, the* head of the corporation, & of the Lords Spirituall, and Temporall, and the Commons of the Realme, the bodie of the Corporation.

132 *Bodies politike.*

BOdies politike, are Bishops, Abbots, Priors, Deans, Parsons of churches, and such like, which haue succession in one person only.

133 *Corruption of blood.*

COrruption of blood, is when any is attainted of Felonie or Treason, then his blood is said to be corrupt, by meanes whereof his children nor anie of his blood cannot be heirs to him, or to any other ancestour, for which they ought to claime by him. And if he were a noble or gentleman before, he and all his children thereby are made vnnoble & vngentle, hauing regarde to the nobilitie or gentry they claim by their father, which cannot be made whole againe by the kings graunt without authoritie of Parliament.

134 *Cosinage.*

COsinage is a Writ, and it lyeth where my great Grandfather, my Grandfathers grandfather, or other cosin dieth seised in fee

Corps politike.

COrps politik, sont Euesques, Abbes, Priors, Deanes, Parsons dun esglise, & tiels semblables, queux ont succession en vn person solement.

Corruption of blood.

COrruption de sangue, est quant ascun est attaint de Felonie ou Treason, donques son sangue est dit deste corrupt, p reason de quel ses enfants ne asc de son sangue ne poyent estre heires a luy ne al ascun auter auncester, pur que ils doyent claime pur luy. Et sil fuit noble ou gentle home deuant, il & tours ses enfants per ceo sont faits ignoble & vngentle, ayant regarde al nobilitie ou gentrie ils claime per lour pere, *que ne poit este fait sane arrere per graunt le Roy sans auctoritie de* Parliament.

Cosinage.

COsinage est vn briefe, & gist lou mon besaiel, mon tresaiel, ou auter cosin deuie seisie en fee

simple, & vn estrange abata, ceſt adire, enter en les terres, donques ieo auera vers luy ceſt briefe, ou diuers ſon heire ou ſon alienee, ou deuers quecunque q̄ aueigne apres a les dits terres. Mes ſi mon aiel deuie ſeiſi, & vn eſtrange abate, donques ieo auera vn briefe de Aiel. Mes ſi mon pere, mere, frere, ſoer, vncle, ou aunt, deuie ſeiſie, & vn eſtrange abata, donques ieo auer vn Aſſiſe de Mort-dauncester.

simple, and a ſtraunger abateth, that is to ſay, entreth into the landes, then I ſhall haue againſt him this Writ, or againſt his heire, or his alienee, or againſt whomſoeuer that commeth after to the ſaide lands. But if my Grandfather die ſeiſed & a ſtraunger abateth, then I ſhall haue a Writ of Aiel. But if my father, mother, brother, ſiſter, vncle, or aunt, die ſeiſed, and a ſtraunger abateth, then I ſhall haue an Aſſiſe of Mortdauncester.

135 *Couenant.*

COuenant, eſt vn agreement fait per fait en eſcript & enſeale perentur deux perſons, lou cheſcun de eux eſt tenus al auter de performer certaine couenants pur ſon part, ſi lun de eux ne tient pas ſon couenant mes enfreint ceo, donques celuy que ſe ſent de ceo greeue, auera ent vn briefe de couenant.

Couenant.

COuenant, is an agreement made by deede in writing & ſealed betweene two perſons, where euery of them is bounden to the other to performe certaine couenants for his part, & if the one of them holdeth not his couenāt, but breaketh it, then he which thereof feeleth himſelfe greeued ſhall haue thereupon a Writ of Couenant.

Et nota bien q̄ nul briefe de Couenant ſerra maintenable ſauns eſpecialtie, ſi non en la Cuie de

And note well that no writ of Couenant ſhall be maintenable without ſpecialty, but in the City of Lon-

London, or in some other such place priuiledged by custome and vse.

136 *Couerture.*

COuerture, is whē a man and a woman are maried together, now whatsoeuer is done concerning the wife in the time of the continuance of their marriage betweene them is said to bee done during the couerture, and the wife is called a woman couert.

137 *Couin.*

COuin, is a secret assent determined in ỹ hearts of two or more, to the preiudice of any other: As if a tenant for terme of life, or tenant in taile will secretly conspire with another, that the other shal recouer against the tenaunt for life the land which hee holdeth &c. in preiudice of him in the reuersion.

138 *Cui in vita.*

CVi in vita, is a writte, & it lyeth where a man is seised of landes in fee simple, or fee taile, or for terme of life in the right of his

Londyes, ou en ascun auter tiel lieu priuiledge per custome & vse.

Couerture.

COuerture, est quant vn home & vn feme sont espouse ensemble, ore ascun chose que est fait concernant la feme en le tẽps de le continuance de cest marriage pretenter eux est dit destre fait durant le couerture, & le feme espouse, est appel vn feme couert.

Couin.

COuin, est vn secret assent determine en les cures de deux ou plusors al preiudice dun auter: Come si tenant pur terme de vie, ou tenant en le taile secretement conspire oue vn auf, que lauter recouera vers le tenant pur vie le terre que il tient &c. en preiudice de celuy en le reuersion.

Cui in vita.

CVi in vita, est vn briefe, & gist lou home est seisie de terres en fee simple, ou fee taile, ou pur terme de vie, en droit sa

feme, & alien meſme le terre, & deuie, donques el auera le dit briefe pur recouerer la terre.

Et nota bien que en ceſt briefe ſon title doit eſte monſtre ſi ſoit de purchaſe la feme, ou de le heritage la feme. Mes ſi le baron alien le droit ſa feme, & le baron & la feme deuiont, le heire la feme auera vn briefe de ſur Cui in vita.

wife, and alieneth the ſame land & dieth, then ſhe ſhall haue the ſaid Writ for to recouer the land.

And note well ỹ in this writ her title muſt bee ſhewed whether it bee of the purchaſe of the woman, or of the heritage of ỹ woma. But if the husband alien the right of his wife, & the husband and the wife die, the wines heire may haue a Writ of ſur Cui in vita.

139 *Cui ante diuortium.*

CVi ante diuortium, eſt vn briefe, & giſt enſemble maner, quant tiel alienation eſt fait per le baron del terre la feme, & puys deuorce eſt ewenter eux, donques la femme auera ceſt briefe, & le briefe dirra, cui ipſa ante diuortium contradicere non potuit.

Cui ante diuortium.

CVi ante diuortium is a Writ, & it lieth in like manner, when ſuch alienation is made by the husband of the wines land, & after deuorce is had betweene them, then the woman ſhall haue this writ, & the writ ſhall ſay, to whom ſhe before ỹ diuorce might not gainſay.

140 *Curteſie Dengleterre.*

CVrteſie Dengleterre, eſt lou home prent feme ſeiſie in fee ſimple ou fee tail general, ou ſeiſie come heire de la taile eſpeciall, & ad iſſue per la feme

Curteſie of England.

CVrteſie of England, is where a man taketh a wife ſeiſed in fee ſimple or fee taile generall, or ſeiſed as heire of the taile eſpeciall, & hath iſſue by the wife

male

male or female, be the issue dead or in life, if the wife die, the husband shall hold the land during his life by the law of England: And it is called tenant by the Curtesie of England, because that this is not used in no other realms but only in England

male ou female, soit le issue mort ou en vie, si la feme deuie, le baron tyendra la terre durant sa vie p la ley de Angleterre: Et est appel tenant per le Curtesie de Angleterr, pur ceo que nest vse en nul auter Realm forsq; tantsolement en Angleterre.

D.

141 *Damage fesant.*

DAmage fesant, is when a strangers beasts are in another mans ground, without lawfull authority or licence of the tenant of the ground, and there doe feede, tread, and otherwise spoyle the corne, grasse, woods, or such like: In which case the tenant who they hurt may therefore take, distraine, & impound them, aswell in the night as in the day. But in other cases, as for rent, and services, & such like, none may distraine in the night season.

D.

Damage fesant.

DAmage fesant, est quant les beasts de vn estrãge sont en auters terres sans auctority loial ou licence del tenant de la terre, & la mangeront, tread', ou auterment spoilent les blees, grasse, bois, ou tiels semblables: En quel case le tenant que les issint damage, poyt pur ceo prender, distraine, & empounde eux, sibein en le nuict come en le iour. Mes en auters cases, come pur rent, & services, & tiels semples, nul poit distrainer en le nuict temps.

142 *Danegelde.*

DAnegelde, that is to be quitte of a certaine custom which hath run some-

Danegelde.

DAnegelde, hoc est quietum esse de quadam cõsuetudine q̃ cucurrit aliquo

tempore, quam quidé Dani leuauerunt in Anglia.

Ceo commence primment en temps le Roy Etheldred, quel esteant en grand distresse per le continual inuasion de les Danes, pur purchaser pax, fuit compel de charger son pais & people oue importable paimets, car il primerment dona eux al sinke seuerall payments 113000. lib. & puis graunt al eux 48000. li, annualment.

times which the Danes did leuie in England.

This began first in the time of King Etheldred, who being sore distressed by the continuall invasion of the Danes, to purchase peace, was compelled to charge his Countrey and people wt importable payments, for hee first gaue them at sixe seuerall payments 113000. pounds, & afterwards granted them 48000. pounds yearely.

143 *Darreine presentment.*

DArreine presentm̃t, Vide de ceo apres titulo Quare impedit.

Darrene presentment.

DArrein presentm̃t, look therefore after in the title Quare impedit.

144 *Deane & Chapter.*

DEane & Chapter, est vn corps corporale spiritual, consistant de plusors able persons en ley, come nosemement de Deane (q̃ est principal) & ses Prebends, & ils ensemble font le Corporation. Et sicome cest Corporation poyent ioyntment purchase terres & tenements al vse de lour esglise & successours. Issint auxy chescun de eux

Deane & Chapter.

DEane & Chapter, is a bodie corporate spirituall, consisting of manie able persons in Law, as namely the Deane (who is chiefe) and his Prebends, and they together make the Corporation. And as this Corporation may iointly purchase lands and tenements to the vse of their Church & successors. So likewise euerie of the seue-

seuerally may purchase to the vse of himselfe and his heires.

145 *Decies tantum.*

DEcies tantum, is a writ and lyeth where a Iuror in any inquest, taketh money of the one part or other to giue his verdict, then hee shall pay tenne times as much as he hath receiued, & euerie one that will sue may haue an action, and shall haue the one halfe, & the king the other halfe. But if the king in such case release by his pardon to such a iuror, yet that shalbe no bar against him ꝙ bringeth the action, but that hee shal recouer ꝙ other halfe, if his action be commẽced before the pardon of the king, but if the pardon be before anie action, it is a barre against all men, And the same law is of all other actions populer, where one partie is to the king, & the other to the party that sueth. Also the embracers which procure such inquests shall be punished in the same manner. And they shall haue the imprisonmẽt of a yere

seueralmẽt poit purchase al vse de luy & ses heires.

Decies tantum.

DEcies tantum est vn briefe, & gist lou vn iurour en ascun enquest, prist argent dun partie ou dauter pur done son verdict, donque il payera x. foits a tant q̃ il ad receiue. Et chescun que voil suer puit auer le action, & auera lun moitie, & le Roy lauter moity. Mes si le Roy en tiel case release per son perdon a tiel iurour, vncore ceo ne serra barre vers cestuy que port laction, mes que il recouera lauter moitie, si son action soit commence deuaunt le pardon le Roy, mes si le pardon soit deuannt ascun action, il est barre encounter toutes gents. Et mesme le ley est de toutes actions populers lou vn part est al Roy, & lauter al partie que suera. Auxy les embracers que procurent tiels inquestes serront puny en mesme le manner & ils aueront prisonmẽt de vn an,

mes nul iustice enquirera de ceo de office, mes solement al suite del partie.

but no iustice shall inquire thereof of office, but only at the suite of the partie.

DEclaration, est vn monstraunce en escript de le griefe & complaint de le demaundant ou plaintife envers le tenaunt ou defendant, en que il suppose de auer receiue tort, & cest declaration doit este plaine & certaine, pur ceo que il impeach le defendant ou tenant & auxy chace celuy a responder. Mes nota que declaration fait per le demandant vers le tenaunt en action Real, est appel properment vn Count.

DEclaration, is a shewing in writting of the griefe & complaint of the demaundant or plaintife against the tenant or defendant, wherein hee supposeth to haue receiued wrong, & this declaration ought to be plaine and certaine, both because it impeacheth the defendant or tenant, & also compelleth him to make answer thereto. But note that such declaration made by the demaundant against the tenant in an action Reall, is properly called a Count.

Nota que le Count ou declaration doit conteine demonstration, declaration & conclusion. Et en demonstration sont conteines troyes choses (cest adire) que se pleint, & deuers que & de quel chose, & en le declaration doyt estre comprise come & en quel manner le cause del action

Note that the Count or declaration ought to contein demonstration, declaration, & conclusion. And in demonstration are conteined 3. things, (that is to say) who him complaineth and against whom, & for what matter, & in the declaration what ought to be comprised, how and in what manner the action

rose

rose betweene the parties, and whē & what day, yeare and place, and to whome the action shall be ginen.

And in the conclusion, hee ought to auerre & profer to proue his sute, and shew the damage which he hath susteined by ẏ wrong done vnto him.

surdit enter les parties, & quant & quel iour, an, & lieu, & a que laction serra done.

Et en perclose il doit auerre & profer de prouer son suite & monstra les damages queux il susteine p le tort a luy fait.

147 *Dedimus potestatem.*

DEdimus potestatem, is a Writ, and it lyeth where a man sueth in the Kings Court, or is sued, & may not well trauell, then he shal haue this Writ directed to some Justice, or other discreet person in the Countrey to giue to him power to admit some man for his Atturney, or to leuie a fine, or to take his confession or his answere, or other examination as the matter requireth.

Dedimus potestatem.

DEdimus potestatem, est vn briefe, & gist lou vn home sua in le court le roy, ou est sue & ne puit bien traueler, donque il auera cest briefe direct a ascū Iustice ou auter discreet person en le payes de doner a luy power pur admit ascun pur son Atturney, ou de leuie fine, ou de prender son confession ou son respons, ou auť examination come le matter require.

148 *Defendant.*

DEfendant, is hee that is sued in action personal, and hee is called tenant in an action Reall.

Defendant.

DEfendant, est celuy que est sue en action personel, & il est appel tenant en vn action Reall.

149 *Defence.*

DEfence, is that which ẏ defēdāt ought to make

Defence.

DEfence, est ceo que le defendaunt doit fayre im-

immediatement apres le count ou declaration fait, ceſt adire, que il defenda toute le torte force & damage, ſou & quant il denera, & donques de proceede ouſter a ſon plee, ou de imparler.

Et nota, que entant que il defend tort & force il ſe excuſe del tort vers luy ſurmiſe, & fait ſe partie all plee, & per tant que il defende les dammages, il affirme le partie plaintife able deſte reſpondue.

Et pur le reſidue del defence, il accept le power del court de oyer & determiner les plees de cel matter. Car ſil voile pleder al Iuriſdiction, il doit omitter in ſon defence les parols (ou & quaunt il deuera) & ſil voile monſtre aſcun diſability en le plaintife, & demaunde iudgement ſi le partie ſerra reſpondu, donques il doit omitter le defence del dammage.

immediatly after the count or declaration made, that is to ſay, that he defendeth all the wrong, force, and damage, where and when he ought, and then to proceede further to his plee, or to imparle.

And note, that in ſo much that he defendeth the force and wrong, he doeth excuſe himſelf of the wrong againſt him ſurmiſed, and maketh him partie to the plee, and in ſo much that he defendeth the damge, he affirmeth the partie plaintife able to bee anſwered vnto.

And for the reſidue of the defence, hee accepteth the power of the Court to heare and determine their plees of this matter. For if he will plead to the Iuriſdiction, hee ought to omitte in his defence theſe wordes (ou & quaunt il deuera.) And if hee will ſhew any diſabilitie in the plaintife, and demaunde iudgement, if the partie ſhall bee anſwered vnto, then hee ought to omit the defence of the dammage.

150 *Demaundant.*

DEmaundant, he hee that ſueth or complaineth in an Action Reall for title of land, and hee is called plaintife in an Aſſiſe, and in an action perſonall as in an action of debt, treſpaſſe, deceit, detinue and ſuch like.

Demaundant.

DEmaundant eſt celuy que ſue ou complaine en Action Reall pur title de terre, & il eſt appell plaintife en vn aſſiſe, & en vn action perſonal, come en action de debt, treſpas, diſceite, detinue & tiels ſemblables.

151 *Demaines.*

DEmaines, or demeſnes generallie ſpeaking according to the Law, bee all the parts of any manor which bee not in the hands of Freeholders of eſtate of inheritaunce, though they bee occupied by Copyholders, leeſſes for yeres, or for life, as wel as tenant at will: But eſpecialli to ſpeake, demaines according to the common ſpeech bee onelie underſtoode the Lordes chiefe manor place, which hee and his anneeſtours haue from time out of minde, kept in their owne hands, and haue occupied the ſame, together with all buildings and houſes

Demaines.

DEmaines ou demeſnes generalm̃t a parler ſolonque le ley ſont touts les parts de aſcun manor q̃l ne ſont en maines del freeholders deſtate deniheritance, coment ſoient occupies p tenaunt per copy de Court Rol, leeſles p̃ ans, ou pur vie, cy biẽ come tenãt a volunte: mes ſpecialm̃t a parler demaines ſolonq̃s le common parlance ſont ſolement entende le principall mannor place del Seignionr, que il & ſes anceſtors ont ewe de temps hors de memorie en lour maines demeſne, & ount occupy ceo, enſemble oue touts edifices & meaſons

que

quecunqs, Et auxy les pes, pastures, boyes, terres erable, & tiels semblables, que ceo occupie.

whatsoeuer. Also the meadowes, pastures, woodes, errable land, and such like, therwith occupied.

152 *Demy sanke ou sangue.*

DEmy sanke est quant vn home mary vn feme, & ad issue per luy vn fits ou file & le feme moruft, & donques il prist vn auter feme, & ad per luy auxy vn fits ou file. Ore ceux fits sont solonque vn manner freres, ou come ils sont appels demy freres, ou freres del demy sanke cest a dire frere per le part de per pur ceo que ils ont ambideux vn pier, & sont ambideux de son sangue, & nemy freres per le part le mere, ne de ascun sanke ou kinne cest voy, & pur ceo lun de eux ne poit este heire al auter, car il que voil claime come heire al vn per discent, doyt este dentier sanke a luy de que il claime. En mesme le manner est si feme eyt diuers issues per diuers barons qui fratres vterini dicuntur.

Halfe blood.

HAlfe blood, is when a man marrieth a wife, & hath issue by her a sonne or daughter, and thereof dyeth, and then he taketh another woman, and hath by her also a sonne or daughter. Now these two sons are after a sort brothers, or as they are termed half brothers, or brother of the halfe blood, that is to say, brother by the fathers side, because they had both one father, and are both of his blood, and not brothers at all by the mothers side, nor of blood ne kin that way, and therefore the one of them cannot be heire to other, for he that will claime as heire to one by discent must be of whole blood to him from whom hee claymeth. In the same manner it is if a woman haue diuers issues by diuers husbands, who are called brothers by one mother.

153 De-

153 *Demurrer.*

DEmurrer, is when anie action is brought & the defendant pleadeth a plee, to which the plaintife answereth, that hee will not answere, for that it is not a sufficient plee in the law, & the defendant saith to the contrary, that it is a sufficient plee, and thereupon both parties do submit the cause to the iudgement of the court, then that is called a Demurrer, for that they goe no forwarder in pleading, but abide vpon the iudgment of that point and is said in the latine vsed in the Records, Moratur in lege.

Demurrer.

DEmurrer est quant action est port, & le defendant plede vn plee a le plaintife dit que il ne voile responder p̄ ceo que il nest sufficient plee en le ley & le defendant dit al contrarie que il est sufficient plee, & sur ceo ambideux misteront le cause all iudgement del court, donques ceo est appelle vn demurer, pur ceo que ils ne vaont oustre in pleading, mes demurrer sur le iudgement de cell point, & dicitur en Latine: vse en les Recordes, Moratur in lege.

154 *Denizen.*

DEnizen, is where an alien borne becommeth the Kings subiect, and obteineth the Kings Letters Pattents for to enioy all priuiledges as an English man, but if one bee made Denizen hee shall pay customes, and diuers other things as aliens, as it appeareth by diuers Statutes therof made.

Denizen.

DEnizen, est lou alien nee deuient le subiect le Roy & obteine le letters pattents le Roy pur enioy toutes priuiledges, come vn home Anglois, mes si vn soit fait Denizen il paiera customes & diuers autres choses come alien, come lappiert per diuers Statutes de ceo fatis.

155 *Dro-*

155 *Deodande.*

DEodande, eſt quant aſcun home per misfortune eſt occide per vn chiual ou per charet ou per autre choſe que mouer en sydaunt de mort, donques tel choſe que eſt le cauſe de ſon mort, que al temps de la misfortune moua, ſerra forfait al Roy & ceo eſt appel Deodande, & ceo perteine al Almener le roy pur diſpoſer in almes & actes de charitie.

Deodande.

DEodande, is when anie man by misfortune is ſlaine by a horſe or by a cart, or by any other thing that moueth to further the death, then the thing that is cauſe of his death, and which at the time of his misfortune did moue, ſhall be forfait to the King, and that is called Deodande, and that pertaineth to the kings Almner for to diſpoſe in almes and deedes of charitie.

156 *Departure de ſon plee ou matter.*

DEparture de ſon plee ou matter, eſt lou vn home plede vn plee en barre & le plaintife reply a ceo, & ſil aps en ſon reioinder plede ou monſtre auter matter contrarie ou nient purſuiant a ſon primer plea en barre, ceo eſt appel vn depart de ſon barre, &c.

Departure from a plee or matter.

DEparture from a plee or matter, is where a man pleadeth a plee in barre, & the plaintife repleth thereto, and hee after in his reioinder, pleadeth or ſheweth another matter, contrarie or not purſuing to his firſt plee, that is called a Departure from his barre, &c.

157 *Departure in diſpite del Court.*

DEparture in diſpite del Court, eſt quant le te-

Departure in diſpite of the Court.

DEpartue in diſpite of the court, is when ỹ tenant

nant or defendant appeareth to the action brought against him, & hath a date ouer in the same Terme, or is called after, though hee had no day giuen him, so that it bee in the same terme if he do not appeare but make defalt, it is a departure in dispite of the Court, and therefore hee shall be condemned.

nant ou defendant appeare all action port enuers luy, & ad iour ouster en mesme le terme, ou est demaunde apres, coment nul iour soit a luy done, issint que soit en mesme le terme, sil ne appeare mes fait defaule, ceest vn Departure en dispite del Court, & pur ceo il serra condemne.

158 *Deputie.*

DEputie, is he that occupieth in another mans right, whether it bee office or any other thing els, and his forfaiture or misdemeanor shall cause the officer or him whose deputie he is to loose his office or thing. But a man cannot make his deputie in al cases, except the graunt so be: as if it be with these or such like wordes, to exercise or vse by himselfe or his sufficient deputie, or if the wordes goe further, to himselfe or his deputie, or the deputie of his deputie, then hee may take a deputie, and his deputie also may make a deputie, or els not.

Deputie.

DEputie est celuy que occupia en auter droit, soit ceo office ou ascun auter chose, & son forfaiture ou misdemeanor causera losficer ou celuy que deputie il est de perder son office ou chose. Mes vn ne poit faire son deputie en tours cases, nisi le graunt soit issint: sicome il soit oue ceux ou tiels semblables parolx, exercendo per se, vel sufficiẽtem deputatum suum, ou si les parolx va ouster, prse vel deputatum suum, aut deputat' deputati, donques il poit fair vn deputy, & son deputy auxy poit faire vn deputy autrement nemy.

159 Det.

259 Det.

DEt est vn briefe, & gist lou ascun summe dargent est, due a vn per reason de accompe, bargaine, contract, obligatió, ou auter especialtie, a estre paie a ascun ceriaine iour, a quel iour il ne paia pas, donques il auera cest briefe. Mes si ascun summe de argent soit due a ascun Seigniour per son tenant, pur ascun rent service, le Seigniour ne vnques auera actiõ de det pur ceo, mes il couient touts soits distrain pur ceo. Auxy pur rent charge ou rent seck, quel home ad pur terme de son vie, en taile, ou en fee, il nauera action de det cy longe come le rẽt endure, mes ses executors poient auer vn action de det pur les arrerages de ascun des dits rẽts due en le vie lour testator, per le estatute 32. H. 8. cap. 37.

Mes p̃ les arrerages de rent reserue sur vn lease pur terme de ans, le lessor est a son election de auer action de det, ou pur distrainer: Mes si le leas soit

Debt.

DEbt is a writ, and it lieth, where anie summe of money is due to a man by reason of account, bargaine, contract, obligation, or other especialtie, to be payed at a certaine day, at which day hee payeth not, then he shall haue this writ. But if any summe of money be due to any Lord by his tenant for any rent service, the Lord shall neuer haue action of debt for that, but it behoueth him alway to distraine for it. Alia for rent charge or rẽt seck, which any man hath for life, in taile, or in fee, he shall not haue any action of debt as long as the rent continueth, but his executors may haue an action of debt for the arrerages of any of the said rents due in the life of their testatour by the Statute 32. H. 8. cap. 37.

But for the arrerages of rent reserued vpõ a lease for terme of yeares, the lessor is at his electiõ to haue an action of debt, or for to distrain: but if the lease be

Deter-

determined, then hee shall not distraine after for that rent: But hee must haue an action of debt for the arrerages.

And note that by the law of the realme, debt is onlie taken to arise vpon some contract or penaltie imposed by some statut or pain, and not by other offences: as in the Ciuill law, Debitum ex delicto.

160 Deuastauerunt bona testatoris.

DEuastauerunt bona testatoris, is when the executors will deliuer the legacies that their testator hath giuen, or make restitutiõ for wrongs done by him, or pay his debts due vpon contractes, or other debts vpon specialties, whose dayes of paimẽt are not yet come &c. And keep not sufficient in their hãds to discharge those debtes vpõ records or specialties, that they are cõpelable formerly by the law to satisfy, thẽ they shalbe cõstrained to pay of their own goods those duties, which at the first by ye law they wer cõpelled to pay, according to

determine, donques il ne distreinera apres pur cel rent: Mes couient luy dauer vn actiõ de dez pur les arrerages.

Et nota, que per le ley del Realme, det est solement prise de surder sur ascũ cõtract ou penaltie impose p ascun statute ou paine, & nemy pur auter offences: come en le Ciuill ley, Debitum ex delicto.

Deuastauerunt bona testatoris.

DEuastauerunt bona testatoris est quãt les executors voyle deliuer les legacies que lour testator ad done, ou faire restitutiõ pur torts faits p luy, ou pay ses dets due sur cõtracts ou auter dets due sur specialties, q̃ iours de paymẽt ne sont vncore venus, &c. Et ne gard sufficient en lour mains pur discharger ceux dets sur recordes ou specialties, que ils sont cõpellabl' p̃mermẽt p le ley de satisfier, donq̃s ils serront constrain de paier de lour bñs demesñ ceux duties, le q̃l al p̃mes p le ley ils fuer̃ cõpelles d' paier, accordãt

al value de ceo que ils deliueront ou payerons compulsion, car tiels payments de dets, ou deliuerie de legacies, come est auantdit, deuant dets payes sur Specialties ou records, quel touts de payment sont a ore venus, sont account en le ley vn vastant des biens del testatour, cy taunt come si ils ad done eux sans cause, ou vend eux & couert eux a lour proper vse.

the value of that which they deliuered or payed by compulsion, for such payments of debts, or deliuerie of legacies, as is afore said, before debtes payed vpon specialties or records, whose dayes of payment are already come, are accounted in the Law a wasting of the goods of the testator, as much as if they had giuen them away without cause, or sold the & couuerted them to their owne vse.

161 *Deuise.*

DEuise est lou vn home en son testament, done ou graunt ses biens ou ses terres a vn auter apres son decease. Et lou tiel deuise est fait des biens, si les executors ne voilent deliuer les biens ou auters chattels personals a le diuisee, le diuisee nad remedie per le common ley, Mes il conuient de auer vn Citation vers les executors le testator lappearer deuant le Ordinarie, de monstre pur quoy il ne persourma le volunt le Testatour, car le deuisee ne poit

Deuise.

DEuise, is where a man in his testamēt, giueth or bequeatheth his goods or his landes to an other after his decease. And where such deuise is made of goods, if the executors will not deliuer the goods of chattels personals to the deuisee, ȳ deuisee hath no remedie by the common law: but it behoueth him to haue a Citation against the executors of ȳ testator, to appeare before the ordinary, to shew why hee performeth not ȳ will of the testator, for the deuisee may

not

not take the legacie and serue himselfe, but it must be deliuered to him by the executors.

But by the commō law if a man bee sole seised of lands in his demesne as of fee, & deuiseth the lands by testament, this deuise was void, vnles the lāds were in Citie or borough where landes be deuisable by custome. But if any mā were enfeoffed to the vse of another & his heires, & he to whose vse he was so seised did make deuise of his lāds, this deuise was good, though it be not in a Towne where landes are deuisable.

Also if any man deuise lands in City, Towne, or Borough deuisable, and the deuisor dieth, if his heire or any other abate in the lands, then the deuisee shall haue a Writ of Ex graui quærela: But this Writ shall neuer be pleaded before the Kinges Iustice, but alwaies before the Maior or Bailifs in the same towne.

And here to the ende to shew how much the lawes of

prender le legacie & luy mesme seruer, mes il doit estre deliuer a luy per les executors.

Mes per le common ley, si home fuit sole seisi de terres en son demesne come de fee, & deuisa les terres per sont testamē, cest deuise suit void, sinon si les terres sueront en vn Citie ou Borough lou terres sont deuisable p custome. Mes si ascun home fuissoit enfeoffe al vse dun auter & ses heires, & cesty a que vse il fuit issint seisie feloit deuise de ses terres, cest deuise fuit bone, comene que il ne fuit en ville lou terres sont deuisable.

Auxy si ascun home deuise terres en City, ville ou borough deuisable, & le deuisor denie, si son heire ou ascun auter abate en les terres, donques le deuisee aūa brief de Ex grani quærela: Mes cest briefe ne serra iammes plede deuant le Iustice le Roy, mes toutes foits deuant le Maior ou Bailifes in le dit ville.

Et ore al fine de monstre quaunt les leys de

ceſt Fealme,& les diſcreet Iudges de ceo, queux ſont les interpreters de le ley, ont fauour voluntes & teſtaments, & iſſint deuiſes en yelding al eux tiel reaſonable conſtructiō, come ils penſant poit bien agreer oue les mentes de les morts, conſiderantes que volūts & teſtamts ſont pur le plus part, & per common intendement fait quant le teſtatour eſt ore en graund langor, feeble & paſſa tout ſperans de recouerie, car il eſt vn opinion en le pais enter le greinder number, que ſi vn home per chance ſoit cy prudent come de faire ſon volunt en ſon bon ſanitie, quaunt il eſt ſtrong, de bon memorie, & ad temps & opportunitie, & poit demaund coūſell ſi aſcun doubt ſoit de le learned, que donques il ne doit viuer long apres, & pur ceo ils ceo deferre tāq̄ tiel tēps q̄t ceo ſoit plus conuenient de applier eux meſmes a le diſpoſition de lour almes, q̄ de lour fres & biens, ſinon q̄ il ſoit q̄ p

this Realme, and the wiſe diſcreete Iudges of the ſame, who are the interpreters of the Law, doe fauor wils & teſtamentes, and ſo deuiſes in yeelding to them ſuch a reaſonable conſtructiō, as they thinke might beſt agree with the mindes of the dead, conſidering that willes and teſtaments are for the moſt part, and by common intendement made when the teſtator is nowe verie ſicke, weake, and paſte all hope of recouerie, for it is a receiued opinion in the Countrie among moſt, that if a man ſhould chaunce to bee ſo wiſe, as to make his will in his good health, when hee is ſtrong, of good memorie, & hath time and leaſure, and might aſke counſell if ante doubt were of the learned, that then hee ſhoulde not liue long after, and therefore they deferre it, to ſuch time, whē as it were more conuenient to apply themſelues to the diſpoſitions of their ſoules, then of their lands or goods except it were that by the

freſh

freſh memorie, and recitall of them at that time, it might bee a cauſe to put them in minde of ſome of their goods or Landes falſely gotten, and ſo moue them to reſtitution, &c. And at that time the penning of ſuch Wilies are commonlie committed to the miniſter of the pariſh, or to ſome other more ignorant then hee, who knoweth not what words are neceſſarie to make an eſtate in fee ſimple, fee taile, for terme of life, or ſuch like, beſides manie other miſchiefes: I will therefore here ſet down ſome of thoſe caſes, that are moſt commō in ignorant mens mouthes, and doe carie by the wiſe interpretations of the Iudges, as is afore ſaid, a larger and a more fauourable ſence in Wils then in deeds.

freſh memory, & recitall de eux a ceſt temps, il poit eſtre vn cauſe de mittir eux en ment de aſcun de lour biens ou terres fauximent purchaſe & iſſint moue eux al reſtitution, &c. Et a ceſt temps le eſcripture de tiels volunts ſont communement cōmit al miniſter del paroch ou al aſcun auter plus ignorant que luy que ne ſcauoit queux parols ſont neceſſary p̄ faire vn eſtate en fee ſimple, fee taile, pur terme de vie, ou tiels ſemblables, preter diuers auter miſchiefes: Ieo voyle pur ceo mis cy aſcūs de ceux caſes queux ſont plus common en les bouches de les ignorant hōes, & portont pur le ſcauient interpretations de les Iudges, come eſt auandit, vn large & plus fauourable ſence en Volunts que en faits.

Firſt therfore if one deuiſe to I. S. by his will all his lands & tenements, here not only al thoſe lāds that he hath in poſſeſſiō do paſſe, but alſo thoſe that he hath the reuerſion of by vertue of theſe words te-

Et pur ceo primerment ſi vn deuiſe al I. S. per ſon volunt, toutes ſes terres & tenements, icy non ſolemt touts ceux fres que il ad en poſſeſſiō paſſont, mes auxy ceux de q̄ il ad le reuerſion p vertue de ceux parolx te-

nements.

Et ſi terres ſont deuiſe a vn home a auera luy inpetuum ou a auer a luy & ſes aſſignes, in ceux deux caſes le deuiſee auera fee ſimple, Mes ſi ſoit done p feoffement en tiel manier, il nad forſque eſtate pur terme de vie.

Auxy ſi vn home deuiſe ſes terres al auter, pur doner, vender, ou faire de ceo a ſon volunt & pleaſure, ceſt fee ſimple.

Vn deuiſe fait al vn & a ſes heires males fait vn eſtate taile: mes ſi tiels parolx ſont mis en vn fait de feoffement, il ſerra priſe fee ſimple, pur ceo que il nappiert de que corps les heires males ſerra ingendre.

Si terres ſoit done per fait al I. S. & a les heires males de ſon corps &c. q̃ ad iſſue file, que ad iſſue fites, & moruſt, la le terre reuerrera al donour, & le fits del file nauera ceo, pur ceo que il ne poit a luy meſme conueier p heires males, car ſa mere eſt vn obſtacle a ceo: Mes

nements.

Inp if lands be deuiſed to a mã to haue to him for euer, or to haue to him and his aſſignes, in theſe two caſes the deuiſe ſhall haue a fee ſimple. But if it bee giuen by feoffemẽt in ſuch manner, hee hath but an eſtate for terme of life.

Alſo if a man deuiſe his lands to an other, to giue, ſell, or do therewith at his pleaſure or will, this is fee ſimple.

If deuiſe made to one, & to his heires males doth make an eſtate taile: But if ſuch wordes be put in a deed of feoffement it ſhalbe taken a fee ſimple, becauſe it doth not appear of what body the heires males ſhal be begotten.

If landes bee giuen by deed to I. S. and to the heires males of his bodie &c. who hath iſſu a daughter, who hath iſſue a ſon, & dyeth, there the land ſhall returne to the donour, and the ſonne of the daughter ſhal not haue it, becauſe he cannot conuey himſelfe by heires males, for his mother is a let thereto. but

other-

otherwise it is of such a deuise, for there the son of the daughter shall haue it rather thē ꝑ will shalbe void.

If one deuise to an infant in his mothers belly, it is a good deuise, otherwise it is by feoffement, graunt, or gift, for in those cases ther ought to be one of abilitie to take presently or otherwise it is void.

A deuise made in fee simple without expresse words of heires, is good in fee simple.

But if a deuise be made to I. N. he shall haue the land but for terme of life, for those words will carie no greater estate.

If one wil ꝑ his son I. shal haue his lād, after the death of his wife, here the wife of ꝑ deuisor shal haue ꝑ land first for term of life. So likewise if a mā deuise his goods to his wife, & that after the decease of his wife, his son and heire shall haue the house, where the goods are, ther the son shall not haue the house during the life of the wife, for it doth appear that his intent was, that his wife

auterm̄t est de tiel deuise, car la le fites del file ceo auera plustost que le volunt serra voide.

Si vn deuise al enfant in ventre matris suæ, ceſt bone deuise, auterment est ꝑ feoffement, graunt, ou done, car en ceux cases il doit estre vn del habilitie pur prender maintenant, auterment il est voide.

Vu deuise fait en fee simple sans expresse parols del heires est bone en fee simple.

Mes si vn deuise soit al I. N. il auera les terres forsq; pur terme de vie, car ceux parols ne violēt porter greinder estate.

Si vn voile q̄ son fits I. auera son terre puis le mort son feme, icy le feme le deuisor aūn le terre primes pur terme de sa vie. Ilsint si home deuise ses biens a sa feme, & que apres le decease de son feme, son fits & heire auera le meason ou les biens sont, la le fits nauera le meason durant le vie de le feme, car il appiert quo son intent fuit, que sa feme

doit auer le meason auxy pur terme de sa vie, nient obstant il ne fuit deuise a luy per expresse parols.

Si vn deuise soit al I. N. & a les heires females de son corps engendres, apres le deuisee ad issue fites & file, & moruſt, icy le file auera le terre, & nemy le fits, & vncore il est plus digne person, & heire al son piere, mes pur ceo que volunt del mort est, que le file doit ceo auer, ley & conscience voet issint auxy.

Et en ceſt point les heathen fuerent preciſe, come appiert per ceux verſes de Octauius Auguſtus que Donatus report il feſoit apres q̃ Virgil a ſon morte donoit commandemẽt, que ſes liuers doient eſtre cõbure, pur ceo que ils fuerent imperfect, & vncore aſcuns perſuadont que ils doient eſtre ſaue, come en fait ils happiment ſueront a que il reſpond iſſint: Sed legum ſeruanda fides, ſuprema voluntas: Quod mandat, fierique iubet, parere neceſſe eſt.

ſhould haue the houſe alſo for terme of her life notwithſtãding it were not deuiſed to her by expreſſe words.

If a deuiſe be to I. M. and to the heires females of his bodie begotten, after the deuiſee hath iſſue a ſonne and daughter, & dieth, here the daughter ſhal haue the land & not ẏ ſon, & yet he is the moſt worthy perſon, and heire to his father, but becauſe the will of the dead is, that ẏ daughter ſhould haue it, law and conſcience will ſo alſo.

And herein the verie heathens were preciſe as appeareth by thoſe verſes of Octauius Auguſtus, which Donatus repoꝛteth he made after that Virgil at his death, gaue cõmandement, that his bookes ſhold be burnt, becauſe they were imperfect, & yet ſome perſwaded that they ſhold be ſaued, as indeed they happilie were, to whome he anſwered thus: but faith and law muſt needs be kept, and what laſt will doth ſay: And what it doth commaund bee done, that needs we muſt obey.

162 *Diem clausit extremum.*

DIem clausit extremũ, is a writt, & it lieth where the Kinges tenant, that holdeth in chief, dieth, this Writt shall bee directed to the escheator to enquire of what estate he was seised, and who is next heire, and his age, & of the certainety of the land, and of what value the land is, and of whome it is holden, and that inquisition shal be returned into the Chaucery, which is commõly called: The office after the death of that person. And there is another Writt of Diem clausit extremum awarded out of the Exchequer after the death of an accomptant or debtor of her Mateslie, to leuie the debt of his heire, executor, administrators, landes or goods.

Diem clausit extremum.

DIem clausit extremum, est vn briefe, & gist lou le tenant le Roy, que tient en chiefe moruſt, donque ceſt briefe ſerra direct all eſchetour denquirer de quel eſtate il fuit ſeiſie, & q̃ eſt procheine heire, & de quel age & de la certainty del terre, & de quel value le terre eſt, & de que ceo eſt ten', & cel inquiſition ſerra returne en le Chaunce-ry & eſt communement appel, le office apres le mort del tiel perſon. Et eſt auter briefe de Diem clauſit extremum awarde hors del Exchequer apres mort del vn accõptant ou debtor al Roigne a leuier le debt de ſon heire executour adminiſtrators terres ou biens.

163 *Diſcent.*

DIſcent, is in 2. ſortes, either Lineal or collateral. Lineall diſcent is whẽ a diſcẽt is conueied in the ſame line of p̃ whol blood, as Grandfather, Father,

Diſcent.

DIſcent, eſt en 2. ſortes, ou lineal, ou collateral. Liniall diſcent eſt quant le diſcent eſt conuey en meſme le lyne dentyer ſangue, come aile, peere, ſits,

fits, fits del fits & issint debassa.

Collateral discent est dehors en vn auter branch dehaust deutier sangue come le frere del ayle, frere del peere, & issint debassa.

Nota que si vn deuie seisie en fee, ou en tayle de terre en quel auter ad droit denter, & ceo discend a son heire, tiel discent tollera rentre de cestuy que droit auoit denter, pur ceo que le heire ad ceux per le discent de son pere, & issint vient a les tenements per act del ley, & cestuy que droit ad ne puit luy ouster per entre sur luy, mes est mise de suer son briefe a demaunde le terre solonq; le nature de son title. Vide de ceo Littleton, liuer. 3. cap. 6. & Statute 32. H. 8. cap. 33.

sonne, sonnes sonne, and so downeward.

Collateral discēt, is out in another branch drawen from aboue of the whole blood, as Graundfathers brother, Fathers brother, and so downeward.

Note that if one die seised in fee, or in tail of land in which another hath right to enter, and that discendeth to his heire, such discent shall take away the entrie of him which hath right to enter, for that that the heire hath them by discent from his father, & so came vnto those tenements by the doing of the Law, and he that hath right can not put him out by entring vpon him, but is put to sue his Writ to demaund the land according to the nature of the title. See hereof in Lit. lib. 3. c. 6. & statut 32. H. 8. cap. 33.

DIsclaimer, est lou le Seigniour distraine son tenaunt, & il sira replevin, & le Seigniour auowa le prisel, per reason

DIsclaimer, is where the Lorde distraineth his tenaunt, and he sueth a replevin, & the Lord auoweth the taking, by reason that

that hee holdeth of him, if the tenaunt say that he disclaimeth to holde of him, this is called a disclaimer, and if the Lord thereupon bring a Writ of right sur disclaimer, and it be found against the tenant he shall lose his land. Also if one bringeth a precipe against two other for the land, & the tenant disclaimeth and saith, that he is not thereof tenaunt, neyther claymeth any thing therein, then the other shall haue the whole land. But if the Precipe be brought against one alone, and he disclaimeth as is aforesaid, the Writ shal abate, and yet the demandant may enter into ỹ land and hold it in his rightful estate, although his entrie was not lawfull.

que il tient de luy, si le tenaunt dit que il disclaime de tener de luy, ceste appel vn disclaimer, & si le Seigniour sur ceo porte briefe de droit sur disclaimer, & il soit troue encounter le tenaunt, il perdera le terre. Auxy si vn port vn precipe vers deux auters pur terre, & le tenaunt disclaime & dit, que il nest de ceo tenannt, ne claime rien en ceo, donques lauter auera tout le terre. Mes si le precipe soit enuers vn sole, & il disclaime, come auaunt est dit, le briefe abatera, & vncore le demaundant poit enter en le terre, & ceo tener en son droiturel estate coment sont entrie ne fuit loyall.

165 *Discontinuance.*

DIscontinuance, is when a man alienateth to another, lands, or tenements and dieth, & another hath right to the same landes, & may not enter into them because of this alienation, as if an Abbot alien the landes of his house to an

Discontinuace.

DIscontinuãce, est quant vn home alien a vn auter terres ou tenementes & morust, & vn auter ad droit a mesme les terres & ne puit enter en eux per cause de cel alienation, si come vn Abbot alien les terres de son meason a vn

auter

auter en fee, ou en fee tail, ou pur terme de vie, ou si vn home alien les terres q̃ il ad en droit, sa feme, ou si tenant en taile fait de les terres done a luy & a ses heirs de son corps, ascun feffement done en taile ou lease pur vie nient garrant per statute 32. H. 8 per fine ou liuery de seisine, donque tiels alienatiõs sont appels discontinuance, car tiels estates passont toutes foits per liuerie & seisin, & en ceux cases le successour labbe, ne la feme apres le mort son baron, ne lissue en le taile apres le mort le tenaunt en le taile ne ceux in remainder ou reuersion puis le fine del estate taile, ne poient enter mes chescun de eux est mise a son action.

Vide pluis de ceo en Littleton lib. 3. cap. 11. & 32. H. 8. cap. 28. que tol les discontinuances p baron seisi en droit son feme.

other in fee, or fee taile, or for terme of life, or if a mã alien the landes that hee hath in the right of his wife, or if tenaunt in the taile maketh of the landes giuẽ to him & to the heires of his body, any feffement gift in taile or lease for life not warranted by the statute 32. H. 8. by fine or liuery of seisin, then such alienations bee called Discontinuãce, for such estats passe alway by liuerie and seisin, & in these cases the successour of the Abbot or the woman after the death of her husband or the issue in the taile after the death of the tenant in taile, nor they ẏ haue any remainder or reuersion after the ende of the estate taile, may not enter, but euery of them is put to his action.

See more her of in Lit. lib. 3. c. 11. & 32 H. 8. cap. 8. which taketh away discõtinuances by the husband, seised in right of his wife.

166 *Dismes.*

DIsmes, sont les dismes parts de asc' chose, mes propremt de ceux choses

Tithes.

TIthes, are the tenth parts of any thing, but properlie of those thinges which

which doe increase, which for the most part do belõg to ministers of the church for their maintenance, and they be in three sorts deuided, to wit predial tithes, personall tithes, and Mixt tithes. Predial tithes are Tithes that bee payed of thinges that come of the grownd only, as corn, hay, fruits of trees & such like.

Personall Tithes are Tithes to bee paid of such profits as come by the labor and industrie of mans person, as by buying, selling, gaines of Marchandize, and of handicraftes men, labourers and such as worke for hire, as Carpenters, Masons, & such like.

Mixt tithes are tithes of calues, lambs, pigs, and such like, p̃ increase partlie of the ground that they be fed vpon, and partly of the keeping industry and diligence of the owner.

que encrease, q̃ux p̃ le pluis parte perteign al ministers desglise pur lour maintenãce & ils sont deuides en iij. sorts, nosment prediall dismes. Parsonel dismes & Mixt dismes, Predial dismes sont dismes, que sont paid de choses, queux vient de le terre solement, come bles, fein, fruits del arbors & tiels semblables.

Parsonel dismes sont dismes q̃ sont paies de tiels profits q̃ veigne p̃ le labor & industry del persons dũ home, come per emption & vendition, gain de marchandize & de manuel crafes homes laborers & tiels que labor pur salary, come Carpenters, Masons & tiels semblables.

Mixt dismes sont les dismes de vitels, agnes, porcels & tiels semb̃l', que encrease partim̃t del tre, sur q̃ ils sont de pastures, & partim̃t del garding, endustry, & diligence del owner.

167 *Disparagement.*

DIsparagement, is a thãe disgrace or vilany done by the Gardeine in Chi-

Disparagement.

DIsparagem̃t est vn hõte, disgrace ou villanye fait per le gardein en Chiualrie

ualrie a son garde en chiualry, esteant deins age per reason de son mariage.

Come quant le gardein marry son ward deins age de xiij. ans, & deins tiel temps que il ne poit consent al mariage, al vn niefe, ou al file dun que demurt en vn borough (que est deste entend tiels que peres professe maincrafts & tiels baser arts de emption & vendition pur gain lour viuer per ceo) ou al vn que ad forsque vn pee, ou vn maine ou est decrepit ou deforme, ou aiant horrible disease, come le leprosie, les pocks de franks, falling sicknes, ou tiels semblables, ou marrie luy a vn feme que est passe lage de enfanter, & diuers tiels auters, donque sur le complaint fait per les amies de tiel heire, le Seigniour ou gardein perdera le gardship & les profits durant le nonage de le heire pur le hont fait a luy. Vide Litt. lib. 2. cap. 4.

168 *Disseisin.*

DIsseisin, est quaunt vn home ent en ascun tres

ualrie to his warde in chiualry being within age by reason of his mariage.

As when the gardeine doth marrie his Warde within age of xiij. yeres, & within such time as he cannot consent to mariage, to a bondwoman, or to the daughter of one that dwelt in a borough (which is to be vnderstood, such whose fathers professe handicrafts & those baser artes of buying & selling, to get their liuing by) or to one that hath but one foot, or one hand, or is lame or deformed, or hath some horrible disease, as the leprosie, frenchpocks, falling sickness or such like, or marrieth him to a woman that is past childbearing, and diuers such other, then vpon the complaint made by the friends of such heir, the Lord or gardeine shall loose the wardship, and the profits during the nonage of the heire for the shame done vnto him. See Littleton lib. 2. cap. 4.

Disseisin.

DIsseisin, is when a man enters into any landes or

or tenementes where his entrie is not lawfull, and putteth him out, that hath the freehold.

ou tenements, lou ſon entre neſt pas congeable, & ouſta celuy q̄ ad le franktenement.

169 *Diſſeiſin vpon diſſeiſin.*

DIſſeiſin vpon diſſeiſin, is when the diſſeiſour is diſſeiſed by an other.

Diſſeiſin ſur diſſeiſin.

DIſſeiſin ſur diſſeiſin, eſt quaunt le diſſeiſour eſt diſſeiſie per vn auter.

170 *Diſſeiſor and diſſeiſee.*

DIſſeiſor, is hee which putteth a man out of his land without order of the law. And Diſſeiſee is he that is ſo put out.

Diſſeiſor & diſſeiſee.

DIſſeiſor eſt celuy q̄ miſt aſcun home hors de ſon terre ſans order de ley. Et diſſeiſee eſt celuy que eſt iſſint mis hors.

171 *Diſceit.*

DIſceit is a Writ, and it is ſometime originall, and ſometime iudicial, but when it is original, it lieth where any diſceit is done to a man by an other, ſo that he hath not ſufficiently perfourmed his bargain, or not perfourmed his promiſe, then he that is in ſuch manner deceiued ſhall haue this Writ.

Diſceit.

DIſceit eſt vn brief, & eſt aſcun foits original, & aſcun foits iudiciall, mes quāt il eſt original, giſt lou aſcun diſceit eſt fait a aſcun home per vn auter, iſſint q̄ il nad ſufficientment performe ſon bargaine, ou nient performe ſon p̄miſe, dōq̄ celuy q̄ eſt en tiel maner diſceiue auera ceſt brē.

Alſo when this writ is iudiciall, it lyeth where a Scire facias is ſued out of any record againſt a man, and the Shirife returneth

Auxy quant ceſt briefe eſt iudicial, il giſt ou Scire facias eſt ſuc hors de aſcun recorde vers vn, & le Vicount retourne

que

que il est garnie, ou il ne fuit garnie, ou lou vn Præcipe quod reddat de plee de terre, ou Quare impedit del presentment al esglise est sue vers vn, & le vicont retorne que le defendant est summon, lou il ne fuit summon, per quel disceit & faux retorne le demandãt ou plaintife recouer, donques le partie greeue auera cest briefe vers celuy que recouera, & vers les summoners, & vers le vicont, & donques le briefe serra dire & al Coroners de mesme le Countie, si il continue vicont q̃ fist le retorne.

that hee is wayned where hee was not warned, or where a Præcipe quod reddat of a plee of lands, or a Quare impedit of the presenting to a church is sued against one, e the Shirife returneth that the defendant is summoned, where he was not summoned, by which discrete and false returne the demaundant or plaintife recoureth, then the partie grieued shall haue his writ against him that recouered, e against the summoners, e against the Shirife, and then the writ shal be directed to the Coroners of the same County, if he cõtinue the shirife that made the retorne.

102 *Distresse.*

DIstresse, est le chose que est prise & distraine, sur ascun terre pur rent arrere, ou pur auter duty, ou pur tort fait, coment q̃ le property del chose soit perteignant al estrange: Mes si sont auers que perteigne al estrange: il couient que ils sont leuant & couchant sur mesme le terre, cest adire, que les auers auoiẽt

Distresse.

DIstresse, is the thing which is taken and distrained vpon any lãd for rent behind, or other duty, or for hurt done although that the propertie of the thing belongeth to a strãger: But if they be beasts that belong to a stranger, it behoueth that they were leuant and couchant vpon the same ground, that is to say, that the beasts haue beene

been vpon the ground certaine space, that they haue themselfe wel rested there, or els they be not distrainable for rent or seruice.

And if one distraine for rent or other thing without cause lawfull, then the party grieued shall haue a Repleuin, & vpon suertie found to pursue his actiõ, shall haue the distresse to him deliuered again. But there bee diuers thinges which be not distrainable, viz, an other mans gowne in the house of a Tailor, or cloth in the house of a Fuller, Sheareman, or Weauer, for that they bee common artificers, & that the common presumption is, that such things belõg not to the artificer, but to other persons which put them there to be wrought.

Also vitail is not distreinable, nor come in sheues, but if they be in a cart, for that that a distresse ought to be alway of such things wherof ẽ shirif may make repleuin, & deliuer againe in as good case as it was at the time of the taking.

este sur le terre p certaine space, que ils ont eux bien repose sur la terre, ou autrement ils ne sont distreinable pur rent ou seruice.

Et si vn distreine pur rent ou auter chose sans cause loyal, donques le partie greeue auera vn Repleuin, & sur suertie troue de pursuer son action, auera le distresse a luy redeliuer. Mes sont diuers choses que ne sont distreinable, viz. roab de auter home en le meason de vn Tailor, ou drape en le meason de vn Fuller, Sheereman, ou Weauer, pur ceo que ils sont common artificers, & q̃ le cõmon presumption est, que tiels choses ne sont perteignant al artificer, mes al auters persons que eux mittont la a ouerer.

Auxy viand' nest pas distreinable, ne blees en sheues, sinon q̃ ils sont en vn chariot, pur ceo que distres couient este touts foits de tiel chose dõt le vicõt poit faire repleuin, & redeliuerie en auxy bon case que il fuit al temps del prisel.

Auxy home poit distrain pur homage de son tenant pur fealtie, & escuage, & aut seruices, & pur fines & amerciamtes q̄ sont assesse en vn Leete, mes nemy en vn Court baron. Et auxy pur damage fesant, ceſt adire, quant il troue les beastes ou biens des auters fesant tort ou incumbrant son terre. Mes home ne poit distrain pur ascun rent ou chose due pur ascun terre, mes sur meſme le terre q̄ est charge ouesque ceo: Mes en case lou ieo veigne a distrainer, & lauter veyant mon purpose chase les beastes, ou port le chose dehors, al entent que ieo ne prendra ceo pur distres sur le terre, donques ieo poy bien pursue, & si ieo, prise ceo maintenant en le hault chimin, ou en auter soyle, le prisel est loyal, auxybien la come sur la terre charge, a quecunque la propertie des biens sont.

Auxy pur fines & amerciamts q̄ sont assesse en vn Leete, vn poit touts foites prender les biēs celuy que

A man may distrain for homage & fealtie, and escuage, & other ſtruices, & for fines & amerciamentes which bee assessed in a Leete, but not in a Court baron. And also for damage fesant, that is to say, when he findeth the beasts or goods of any other doing hurt or cumbring his ground: But a man may not distraine for any rent or thing due for any land, but vpon the same lande that is charged therewith: But in case where I come to distraine, and the other seeing my purpose chaseth the beastes, or beareth the thing out, to the intent that I shall not take it for a distresse vpon the grounde, then I may well pursue, & if I take it presently in the high way, or in anothers ground, the taking is lawfull, as well there as vpon the land charged, to whomsoeuer the property of the goods be.

Also for fines & amerciaments which bee assessed in a Leete, one may alway take the goods of him that

is

is so amerced, in whose ground soeuer they bee within the Iurisdiction of the Court as it is said.

And when one hath taken a distresse, it behoueth him to bring it to the common pound, or els hee may keep it in an open place, so that hee giue notice to the party, that he (if ꝑ distresse be a quick beast) may giue to it foode, and then if the beast die for defalt of food, hee that was distrayned shalbe at the losse, and then the other might distraine againe for the same rent or dutie. But if hee carrie the distres to a hold, or out of the Countrie, that the Shirife may not make deliuerance vpon the repleuin, then the party vpō the returne of the Shirife, shall haue a Writ of Withernam directed to the Sherife, that hee take as many of his beastes, or as much goods of the other in his keeping, till he hath made deliueraunce of the first distres. And also if they bee in a forslet or Castell, the Sherife may take with him the power of the

est issint amerce, enq̃cunque soile que ils sont deins le iurisdiction del Court vt dicitur.

Et quant vn ad prise vn distres, il couient a luy de amesner ceo al common pound, ou autermt il poit garder en ouert lieu, issint que il done notice al partie, que il (si le distres soit viue auers) poit doner a luy viand, & donques si le auers morust pur default de viand, celuy que fait distraine serra a le pard, & donques lauter poit distraine auterfoits pur mesme le rent ou dutie. Mes sil amesna le distres a vn forslet, ou hors del Countie, q̃ le vicont ne poit bien faire deliuerance sur repleuin, dōq̃s le partie sur le retorne del Vicont auera vn briefe de Withernam direct al Vicont, que il prendra tant de ses auers, ou tant des biens lauter en son garde, tanq̃ il ad fait deliuerance de la primer distres. Auxy si sont en vn forslet ou castel, le Vicont poit prender oue luy le power del

Coûtie, & abater le castel. Come appiert per lestatute West. 1. cap. 17. Ideo vide Statutum.

173 *Diuorce.*

DIuorce issint appelle de Diuortium, veniens del verbe Diverto, que signifie de retorner arere, cestest vse en ley quaunt vn home est seperate de sa feme, il luy retorne arrere a sa pere ou auter meis, ou al lieu del que il luy ad, & per tiel diuorce le marriage est defeate & distroy.

174 *Donor & Donee.*

DOnor est celuy q̄ done terres ou tenements al auter en taile, & celuy a que il est done est appelle Donee.

175 *Double plee.*

DOuble ple est lou le defendaunt ou tenaunt en ascun action plede vn plee en que deux matters sont comprehendus, & checun per luy mesme est vn sufficient barre ou respons al action, donques tiel double plee ne serra admit pur plee, sinon q̄ vn

Countie, & beat down the castel. As it appeareth by the statut West. 1. cap. 17. therfore tooke the statute.

Diuorce.

DIuorce so called of Diuortium, comming of the verbe Diverto, which signifieth to returne back, it is vsed in the law when a man is diuorced from his wife, hee turneth her backe home to her Father or other friendes, or to the place from whence he had her, & by such diuorce the marriage is defeated and vndone.

Donor and Donee.

DOnor is hee which giueth lands & tenemēts to an other in taile, and he to whom the fawe is giue is called Donee.

Double plee.

DOuble plee is where ẏ defendant or tenant in any actiō pleadeth a plee, in the which two matters bee comprehēded, & euerie one by himselfe is a sufficient barre or answere to the action, then such a double plee shall not bee admitted for a plee, except one depend

pend vpon an other, & in such case if hee may not haue the last plee without the first plee, then such a double plee shall bee well suffered.

depend sur lauter, & en tiel case si il ne poit auer le darreine plee sans le primer plee, donques tiel double plee serra bien suffer.

176 Dower.

DOwer by the law of the Realme, is a portion, which a widow hath of the lãds of her husbãd, which by the common law is the third part, and by her husbands assignement by his fathers assent at ꝑ Church doze, she may haue somuch of his fathers lands, as is so assigned, & so of the husbands assignement of part of his owne land. And dower by the custom of some places, is to haue halfe ꝑ husbands lands. And also Dower is a writ, and it lieth where a man is sole seised during the coueriture betweene him and his wife, of lands or tenemẽts in fee simple, or fee tayle, where by possibilitie the issue betweene them may inherite, if such a man die, his wife shall recouer the

Dower.

DOwer, per le ley del Realme, est portion q̃l feme ad del terres le baron quel per comen ley est le tierce part, & per assignment del baron per assent son pere al huis del esglise, & poit auer tant del terre son pere come est issint assigne, & issint del assignement del baron del part son terre demesne. Et Dower per custome de ascun lieux est dauer le moitie del terre le baron. Et auxy Dower est vn briefe, & gist lou home est sole seisie durant le couerture perenter luy & sa feme, de terres ou tenementes en fee simple, ou fee taile, lou per possibilitie le issue enter eux poyent enherite, si tiel home deuie, sa seme recouera la

tierce part de toutes les terres dont le baron fuit sole seisi aſcun temps durant le couerture per brief de Dower vnde nihil habet meſque il ne moruſt ſeiſie, & meſque il ad fait alienation de ceo en ſa vie.

Mes ſi home deuant le Statute de Vſes 27. Hen. 8. ad terres, en queux auter home, ou auters homes furõt ſeiſies a ſon œps touts ſoits durant le couerture, & ceſty a que oeps ils fueront ſeiſies deuie deuaunt le dit Statute, ſa feme ne ſerroit endow.

Et auxy ſi deuant le dit Statute deux homes ſont ſeiſies de terre al oeps de vn de eux, & ceſty a q̃ oeps &c. deuie deuaunt le dit ſtatute, ſa feme ne ſerra indow. Auxi ſi feme port bꝛ de dower, el recouia dammages, pur le profit incurrus apres la mort le baron ſil moruſt de ceo ſeiſie, Mes ſi aſcun alienation ou eſtate ſoit fait durant le couerture, iſſint que le baron ne moruſt ſeyſie, donques meſque el reconer la

third part of all the landes whereof the husband was sole seised any time during the couerture by a Writ of Dower vnde nihil habet, though hee died not seised, and though that hee made alienation thereof in his life.

But if a man before the Statute of Vſes 27. H. 8. had Landes, in the which an other man, or other mẽ were seysed to his vſe alwaies during the couerture, and hee to whose vſe they were seised dyeth before the saide Statute, his wife shall not be indowed.

And also if before the said Statute two men bee seised of lands to the vſe of one of them, & hee to whose vſe &c. dieth before the said Statute, his wife shall not bee endowed. Also if a woman dying a Writte of dower, she shal recouer dammages, for ꝯ profit run after ꝯ death of her husband if hee dieth thereof seysed, but if any alienation or estate were made during ꝯ couerture, so that the husband dyed not seysed, then though shee shall recouer

the

the land, yet shee shall recouer no dammages. Also there is another Writ of Dower called a Writ of Right of dower, and it lieth where a woman hath recouered part of hir dower in one towne, and the other part she is to recouer. Also in diuers cases a woman shal not haue dower, as if the husband commit treason, for the which hee is attainted, then his wife shall haue no dower. Also if shee goe away from her husband with another mã in aduoutry, and if she bee not reconciled by her husband of his own will without coherſion of ꝑ church, shee shall not be indowed. See Littleton lib. 1. cap. 4 And so note, where in the Ciuill law, Dower is that which the husband hath with his wife for the marriage, to maintaine the married estate, by the lawes of the realme, by the word (Dower) is meant such portion as the wife after her husbands death shall haue to liue on.

la terre vncore el ne recouera dammages. Auxy il est vn auter brē de Dower, appel briefe de droit de dower, & gist lou feme ad recouer parte de sa dower en meſme la ville, & auter parte el est a recouer. Auxy en diuers cases feme nauera dower, sicome le baron fait treason, pur que il est attaint, donq; la feme nauera Dower. Auxy si el elopa de son baron ouesque vn auter home in aduowtry, & si el ne soit reconcile per son baron de son bone volunt sans collerſion del Eſgliſe, el ne serra endow. Vide Littleton lib. 3. capit. 4. Et issint que lou per Ciuill ley Dower est ceo, que le baron eyt oue sa feme pur le mariage, de mainteiner lour ioyned estate, per les leyes del Realme, per le parol (Dower) est intende, le porcion, que le feme, puis le mort del baron, auera pur sa viuer.

177 *Droit.*

DRoit est lou vn ad chose que suit tol de auter per torte, come per disseisin, discontinuance, ou eiectment, ou tiels semblables, & le chalenge ou claime q̄ il ad que auoit le chose, est terme droit.

Right.

RIght, is where one hath a thing that was taken from another wrongfullie as by disseisin, discontinuance, or putting out or such like, & the challenge or claim that he hath, who should haue the thing, is called Right.

178 *Droit dentre.*

DRoit dentre, est quant vn seysie de terre en fee, est de ceo disseisi: Ore le disseisee ad droit dentre en le terre, & poet quād il voyle, ou il poet auer briefe de droit enuers le disseisor.

Right of entry.

RIght of entry, is when one seised of land in fee, is thereof disseised: Now the disseisee hath right to enter into the land, & may so doe when he will, or els hee may haue a Writ of right against the disseisor.

179 *Dum non fuit compos mentis.*

DVm non fuit compos mentis, est vn briefe & gist lou home que est hors de son bone memory, cest adire, insane ou lunatiq; alien les terres que il ad in fee simple, & deuie, donqs son heire apres son decease auera cest brief, mes il mesme nauera cest brief, p̄ ceo, q̄ home ne serra reseen a disabler luy mesme, Auxy cest briefe puit este fait en le, per, cui, & post.

Dum non fuit compos mentis.

DVum non fuit compos mentis, it is a writ & it lyeth whe a mā that is out of his witts, that is to say, mad or lunaticke alieneth the land that he hath in fee simple and dieth, then his heire after his decease shal haue this writ, for ꝑ that a man shall not be receiued to disable himselfe. Also this writ may bee made in the per, cui, and post.

180 *Dum*

180 *Dum fuit infra ætatem.*

DVm fuit infra ætatem, is a Writ, and it lyeth where an Infaunt within age alieneth his Lande which hee hath in fee simple, or for terme of life, whē he commeth to his full age he shal haue this Writ, or he may enter if he will, but it behoueth that hee be of ful age the day of his writ brought. Also if an infant alien his land & die, his issue at his ful age shal haue this writ or he may enter, but the issue shall not haue this writ within his age.

Dum fuit infra ætatem.

DVum fuit infra ætatem, est vn briefe & gist lou enfant deins age alien sa terre que il ad in fee simple, ou pur terme de vie, quant il vient a son pleine age il auera cest briefe, ou il puit entre sil voile: mes il couient q̄ il soit de pleine age, iour de son briefe purchase. Auxy si enfant alien sa terre, & deuie, son issue a son pleine age auera cest briefe ou puit enter, mes le issue nauera cest briefe deins son age.

181 *Dures.*

DVres, is where one is kept in prisō or restretned from his liberty contrarie to the order of the law, or threatened or manassed to be killed, maymed or greatlie beaten, & if such person so in prison, or in feare of such threatenings, make any specialtie or obligation, by reason of such imprisonmēt, such a deede is voide in the law, & in an action brought vpon such an especialtie hee may say ꝑ it was made by

Dures.

DVres, est lou vn home est garde in prison ou restraine de son libertie contrary al order de ley, ou manasse deste occide maihe me ou grandement, batu, & si tiel person issint in prison ou pauour pur tiel manasse, fait ascun especialtie ou obligation, per reason de tiel imprisonment, tiel fait est void en le ley, & in action porte sur tiel especialtie puit dire que il fuit fait per

dures

dures de son imprisonmēt mes si home soit arrest sur ascun action al suite vn auter mesque le cause del action ne soit bone ne voir, sil fait ascun obligation a vn estraunge esteant in prison per tiel arrest, vncore il ne serra dit per dures, mes sil fait obligation a luy a que suit il fuit arrest deste discharge de tiel imprisonment, donques il serra dit dures vt dicitur.

dures of imprisonment, but if a mā be arrested vpon an action at the suite of another, though the cause of the action bee not good nor true, if he make an obligation to a stranger being in prison by such arrest, yet it shall not be said by dures, but if hee make an Obligation to him, at whose suit he was arrested to bee discharged of such imprisonment, then it shall be said dures, as it is said.

E.

182 *Eiectione firme.*

EIectione firme, vide de ceo en le title, Quare eiecit infra terminum.

183 *Eiectment de garde.*

EIectment de garde, vide de ceo en le title Gardes.

184 *Eire Iustices.*

EIre Iustices, ou Itinerant, come nous appelle eux fueront Iustices que vse de equitare de lieu al lieu per tout le Realme pur administer Iustice.

185 *Elegit.*

TEner per Elegit, est lou home ad reco-

E.

Eiectione firme.

EIectione firme, looke for that in the title Quare eiecit infra terminum.

Eiectment de garde.

EIectment de garde, look for that in the Title of Gardes.

Eire Iustices.

EIre Iustices, or Itinerant, as wee call them, were Iustices that vse to ride from place to place through out the realme to administer Iustice.

Elegit.

TO holde by Elegit, is where a mā hath recouered

uered debt or damage by a Writt against another by confessiō or in other manner, hee shall haue within the yeare against him a Writt iudicial called Elegit to haue executiō of the halfe of all his lands and chattels (except Oxen and beasts of the plough) till ẏ debt & damages be wholie leuied, & payed to him, and during the terme he is tenant by Elegit. And note well that if hee be put out within the terme, hee shall haue Assise of Nouel disseisin, and after a redisseisin if need bee, and this is giuen by the Statute of Wewminster 2. cap. 18.

And also by the equitie of the same Statute he that hath his estate if he be put out shall haue Assise & redisseisin if need be. And also if he make his executors and die, and his executors enter and after be put out, they shal haue by the equitie of the same Statute, such action as he himself before said. But if he be put out, and after make his executors and die, his executors

uer det ou damage per bf deuers vn auter per Conusaunce ou en auter maner, il auera deins le an deuers luy vn briefe iudicial nosme Eelegit dauer execution de moitie de toutes ses terres & chattels (excepts Beofes & affers a sa carues) tanque le det ou les dammages soient oustrement leues ou paies a luy, & durant ceſt terme il est tenaunt per Elegit. Et nota sil soit ouste deins le terme il auera Assise de Nouel disseisin, & apres vn redisseisin si besoigne soit, & ceſt done per le estatute de Westminster 2. cap. 18.

Et auxy per le equitie de mesme le estatute celuy que ad son estate, sil soit ouste auera Assise & redisseisin si besoigne soyt. Et auxy sil face ses executors entront & puis soyent oustes, ils aueront per lequity de mesme lestatute tiel action come luy mesme suisdit. Mes sil soit ouste, & puis fait ses executors & deuy, ses executors

pur-

purront enter & ſils ſoyent eſtops de lour entre, ils aueront vn briefe de treſpas ſur lour matter & caſe.

Et nota ſil face waſt en tout la terre ou en parcel, lauter auera enuers luy maintenant vn briefe iudiciell hors de la primer record appelle Venire facias ad computandum, per force de quel ſerra inquiſe ſil ad leuy touts les deniers ou parcel, & ſil nad leuy les deniers, donques ſerra inquiſe a quaunt le waſt amount, & ſi le waſte amount ſinon a parcel dõques tants des deniers que le waſte amount ſerra abridge de les ſuiſdits deniers queux fueront eſtre leuies. Mes ſil ad fait pluis waſte que le auantdit ſumme de argent que fuit a eſtre leuy amount, lauſ ſerra diſcharge maintenant de toutes les deniers ſuiſdits & recouera ſa terre. Et pur la ſuperfluitie de waſte fait ouſtre ceo que amount a le dit ſumme, il recouera ſes

may enter, and if they bee ſtopped of their entry, they ſhall haue a Writ of treſpaſſe vpon their matter & caſe.

And note well if hee doe waſt in al the land or parcell, the other ſhall haue againſt him immediatelie a writ iudiciall out of ỹ firſt record called Venire facias ad Computandũ, by which it ſhall bee inquired if hee haue leuied all the monie or parcell, and if hee haue not leuied the monie, then it ſhall be inquired to howe much the waſte amounteth, and if the waſt amount but to parcel, then as much of the money as the waſt amounteth vnto, ſhalbe abridged of the foreſaid money which was to be leuied. But if he haue done more waſte then the foreſaid ſumme of money which was to bee leuied, amounteth, the other ſhalbe diſcharged by and by of all the ſaid mony and ſhall recouer the Land. And for the ſuperfluitie of the waſte made aboue that, that amounteth to the ſaid ſumme he ſhal recouer his dam-

dammages ſingle, and the ſame law is of his executors, and alſo of him that hath his eſtate.

And note that if he alien in fee, or in taile all or parcell of the land, which he holdeth by Elegit, if the alienation be made, within the terme or after, hee which hath right, ſhall haue againſt him an aſſiſe of Nouel diſſeiſin. And they both muſt be put in the Aſſiſe, the alienor and the alienee, & not withſtanding that the alienor die pendente lite, yet hee which hath right, ſhall haue Aſſiſe againſt the alienee alone, as if the alienee had bin a plain tenant for term of yeres, and that is by the equitie of the ſtatute of Weſt. 2. Chap. 25. for that that hee hath not but a chattell in in effect, & the ſame law is of his executors and of him which hath his eſtate as is afore ſaid.

And note well ỹ in Elegit if ỹ ſherife returne ỹ hee had nothing the day of the Recogniſaunce made but that he purchaſed lãds

damages ſingle, & meſme le ley eſt de ſes executors. & auxy de ceſtuy que ad ſon eſtate.

Et nota ſil alien en fee, ou a terme de vie, ou en tayle toute le terre ou parcell de la terre, que il tient per elegit, ſi le alienation ſoit fait deins le terme ou apres, ceſtuy que ad droit auera vers luy vn Aſſiſe de Nouel diſſeiſin. Et couient que ils ſoient miſe en laſſiſe ambideux, auxibien le alienee come le alienor, & non obſtant que la lienor deuie maintenant, vncore ceſtuy que ad droit auera vers le alienee ſole Aſſiſe, come ſil vſt eſtre ſon ſimple tenant a terme de ans. Et ceo eſt per leequitie del ſtatut de Weſt. 2. cap. 25. pur ceo que il nad ſinon chattel en effect: & meſme le ley eſt de ſes executours, & de ceſtuy que ad ſon eſtate, come eſt ſuiſdit.

Et nota que en Elegit ſi le Vicount returne que il auoyt ryens iour de la Recogniſaunce fait, meſque il purchaſe terre

puis

puis le temps, adonques le partie plaintife auera nouel briefe de auer execution de ceo: meſme le ley eſt de vn eſtatute marchant.

Et nota que apres le Fieri facias vn home poyt auer le Elegit, mes non contra, entaunt que le Elegit eſt de plus haut nature que le Fieri facias, Et nota que ſi home recouer per briefe de det & ſue vn Fieri facias, & le vicount returne que le defendaunt nad ryens dont il poit fayre gree a la partie, donques le plaintife auera vn Elegit, ou vn Capias ſicut alias, & Pluries. Et ſi vicount returne a le Capias mitto vobis corpus, & il nad riens dount il poit faire gree al partie il ſerra maund al gayle del Fleet, & illonques demurra tanq̄ il ad fait gree al party, & ſi le vicount returne. Non eſt inuentus, adonques iſſera Lexigent enuers luy. Et nota que en briefe de dett port deuers perſon de Saint Eſgliſe, que nad

after the time thē the partie plaintife ſhall haue a new writ to haue execution thereof, the ſame law is of a ſtatute marchant.

And note wel that after a Fieri facias a man may haue the Elegit, but not cōtrariwiſe, for that the Elegit is of more higher nature then the Fieri facias. And note wel p̄ if a mā recouer by a Writ of debt & ſueth a Fieri facias, & the ſhirike returne that the defendāt hath nothing wher of he may ſatiſſie the debt to p̄ party, then the plaintife ſhal haue Elegit or capias ſicut alias and a Pluries. And if the ſherife returne to the Capias mitto vobis corp', & he haue nothing wherof he may make ſatiſfaction to the party, he ſhalbe ſent to the priſon of the fleet, and there ſhall abide vntil he haue made agreement with the partie, and if the ſherife returne Non eſt inuētus, thē there ſhal go forth an Exigent againſt him. And note well p̄ in a writ of debt brought againſt a Parſon of holie Church which hath nothing

thing of lay fee, and the Shiriffe returneth that he hath nought by which hee may bee ſummoned, then ſhall the plaintife ſue a Writ to the Biſhop that hee make his Clerke to come, and the Biſhop ſhall make him to come by ſequeſtration of the church.

And note well, that if a man bring a writ of debt and recouer, and make his executors & dieth, they ſhal not haue execution, notwithſtanding that it bee within the yeare by a Fieri facias.

rien de lay fee, & le Vicont retourne que il nad riens per que il poit eſtre ſummones, adonques le plaintife ſuera briefe al Eueſque que il face vener ſon clerk, & Leueſque luy ferra vener per ſequeſtration del Egliſe.

Et nota bene, q̃ ſi home port briefe de det & recouer, & face ſes executors & deuie, ils naueront execution, non obſtant que il ſoit deins lan per vn Fieri facias.

186 *Elopement.*

ELopement, is when a maried woman departeth from her huſband with an adulterer, & dwelleth with the adulterer without voluntarie reconcilement to her huſband, by that ſhee ſhall looſe her Dower by the ſtatute of Weſt. 2. cap. 34. Whereupon a verſe hath beene made in this manner.

Elopement.

ELopement, eſt quant feme eſpouſe departa de ſon baron oue vn adulterer, & oue le adulterer demurra ſans voluntary reconcilement a ſa baron, p ceo el perdra ſa Dower per le ſtatute de Weſtminſter 2. Cap. 34. Sur que vn verſe ad eſtre fait en cel maner.

Sponte virum mulier fugiens, & adultera facta,
Dote ſua careat, niſi ſponte ſponſo retracta.

Shee that her huſbād leaues, & liueth in adultery, and is not freely reconciled, ſhal loſe her Dowrie.

187 Em-

187 *Embrasour ou Embraceour.*

EMbrasour ou Embraceour, est celuy que quant vn matter est en trial perenter partié & partie vient al barre oue vn del parties (ayant receiue asc' reward pur issint faire) & parle en le case, ou priuemẽt labor le Iurie, ou stat la pur surueier ou suruiew eux, per cest means demittr̃ eux en pauour & doubt del matter. Mes homes q̃ sont erudite en le ley, poyent parle en le cas pur lour clients.

Embrasour or Embraceour.

EMbrasour or Embraceour, is hee that when a matter is in trial between party & party, commeth to the barre with one of the parties (hauing receiued some reward so to do) and speaketh in the case, or priuilie laboureth the Iurie, or standeth there to suruey or ouerlooke them, thereby to put them in feare and doubt of the matter. But men that are learned in the law, may speake in the case for their Clients.

188 *Enchrochment.*

ENcrochment, est dit quant le Seigniour ad happa seisin de pluis rent ou seruices de son tenaunt que de droit est due, ou doit este pay ou fait a luy: Come si le tenaunt tient sa terre de son Seigniour per fealtie & ij. s. rent annuelmẽt, & ore de tardiftemps le Seignior ad happa seisin de iij. s. rent, ou de homage ou escuage, ou tiels semblables, Donques cest appel vn Encrochment de cest rent ou seruice.

Encrochment.

ENcrochment, is saide when the Lorde hath gotten seisin of more rent or seruices of his tenaunt then of right is due or ought to be payed or done vnto him: As if the tenant hold his land of the Lorde by fealtie and ij. s. rent yearely, and now of late time he hath got seisin of iij s. rent, or of homage or escuage, or such like. Then this is called an Encrochment of that rent or seruice.

189 En-

189 *Enheritance.*

ENheritance, is such estate in landes or tenements, or other things, as may bee inherited by the heire, whether it bee in estate for fee simple, or taile, by discent from any of his auncestors, or by his owne purchase.

And inheritaunce is deuided into two sorts: that is to say, enheritance corporat, and enheritance incorporate.

Enheritance corporate are messuages, landes, meadowes, pastures, rents, & such like, that haue substance in themselues, and may continue alwaies. And these are called corporall things.

Enheritance incorporate are aduowsons, villaines, wates, commons, courts, fishings, and such like that are, or may bee appendant or appurtenent to enheritances incorporate.

190 *Entre.*

ENtre, is where a man entreth into any landes or tenementes in his proper person, or any other by his commaundement.

Enheritance.

ENheritaunce est tiel estate en terres ou tenements, ou auters choses, que poient estre enherite per le heire, soit ceo de estate en fee simple, ou taile, per discent de ascun de ses auncestors, ou per son purchase demesne.

Et enheritance est diuide en deux sortes: cest ascauoir, enheritance corporat, & enheritance incorporat.

Enheritance corporate sont messuages, tres, prees, pastures, rets, & tiels semblables, que ont substance en eux mesmes, & poyent continuer tout temps, Et ceux sont appelle choses corporal.

Enheritance incorporat sont aduowsons, villaines, waies, communs, courtes, piscaries, & tiels semblables que sont, ou poiet este appendant ou appurtenant a enheritance incorporate.

Entre.

ENtre, est lou vn home entra en ascun terres ou tenementes en son proper person, ou ascun auter per son commandement.

Auxy sont diuers briefes de Entre queux sont en diuers maners. Vn est briefe dentre sur disseisin, & cest briefe gist lou home est disseisie, il ou son heire lauant dit briefe, auera vers mesme le disseisor, ou ascun auter apres tenant del terre. Et si le disseisor alien ou deuie seisie, donques le briefe de entre serra vers le heire ouesque le alienee en le Per, cest adire, en que le tenant nō habet ingressum nisi per tiel nosmant le disseisor, que luy auoit disseisie &c.

Et si le heire ou alienee deuie seisie, ou aliena al auter, donques le briefe serra en le Per & Cui, cest adire, en que le tenant non habet ingressum nisi per tiel, nosmant le heire ou le alienee del disseisour, cui tiel (nosmant le disseisour) il demisit, que luy per tort disseisie, &c.

Et si terre soit conuey ouster al plusors, ou si le primer disseisor soit disseisi donqs le brē de entre serra en le Post, cest adire,

Also there bee diuers Writs of Entre which be in diuers maners. One is a Writ of Entre sur disseisin, and this Writ lieth where a man is disseised, he or his heire shall haue this writ against the disseisor, or ante other after tenant of the land. And if the disseisor alyen and die seysed, then the Writte of Entre shall be against the heire with the alienee in the Per, that is to say, in which the tenaunt hath no entre but by such a one naming ỹ disseisor, which him hath disseised, &c.

And if the heire or alienee die seised, or alieneth to another, then the writ that be in the Per and Cui, that is to say, into which the tenant hath no entre but by such a one, naming, the heire or alienee of the disseisor, to whom such a one (naming the disseisor) did let it, which by force disseised him, &c.

And if land be conueied ouer to many, or if the first disseisor bee disseised, then the Writ of Entre shal be in the Post, that is to say,

that

that the tenaunt hath no entrie but after the disseisin, which the first disseisor made to the demaundant or his auncestor. See after Entre en le per.

que le tenant non habet in gressum nisi post disseisinã, quel le primer disseisor fait al demaundant ou son ancestor. Vide apres Entre en le per.

191. *Entre in the Per, Cui, & Post.*

A Writ of Entre in the Per, lieth where a man is disseised of his freehold, and the Disseisour alieneth or dieth seised, & his heire entreth, then the disseisee or his heire shal haue the said Writ against the heire of the disseisor, or against the alienee of the disseisor, but ituing the disseisee hee may haue an Assise if he wil, & the Writ of Entre shal say, in quod A. non habet ingressum nisi per B. qui illud ei dimisit, qui inde eum iniuste disseisiuit, &c. But if the disseisor alie, & the alienee dieth seised, or alieneth ouer to another, or if the disseisor die, & his heire enter, and that heire alieneth or dyeth, and his heire entreth, then the disseisee or his heire shall haue a Writ of Entre sur disseisin in the

Entre en le Per, Cui & Post.

BRiefe de Entre en le Per gist lou home est disseise de son franketenement, & le Disseisor alien ou deuie seisie, & son heire entra, donques le disseisee ou son heire auera le dit briefe vers le heire le disseisor, ou vers le alienee le disseisor, mes viuant le disseisor il poit auer Assise si il voyle, & le briefe de Entre dirra, in quod A. non habet ingressum nisi per B. que illud ei dimisit, qui inde eum iniuste disseisiuit, &c. Mes si le disseisor alien, & le alien deuie seisie, ou alien oster a vn auter, ou si le disseisor deuie, & son heir entra, & celuy heir aliena ou deuie, & son heir entra, donques le disseisee ou son heire auera briefe de Entre sur disseisin en le

Per & Cui, Et le briefe dirra, in quod idem A. nõ habet ingressum nisi p B. cui C. illud ei dimisit, qui inde iniuste, &c.

Et nota bien, que nul briefe de entre en le Per & Cui, serra mainteinable vers nul luy, mes lou il que est tenaunt soit eins per purchase ou per discent: Mes si le alienation ou discent sont deuenus hors des degrees, sur quel nul brief poet estre fait en le Per, ne en le Per & Cui, donques serra fait en le Post, & le briefe dirra, in q A. non habet ingressum nisi post disseisinam, quam B. inde iniuste & sine iuditio fecit pf. N, vel M. proauo N. cuius hæres ipse est.

Per and Cui, And the writ shall say, in quod idem A. non habet ingressum nisi p B. cui C. illud ei dimisit qui inde iniuste, &c.

And note well, that no Writ of Entre in the Per and Cui shalbe maintaineable against none, but where hee that is tenaunt bee in by purchase or discent: but if the alienation or discent be put out of the degrees, vpon which no Writ may bee made in the Per, nor in the Per & Cui, then it shall be made in the Post, and the Writ shall say, in quod A. non habet ingressum nisi post disseisinam, quam B. inde iniuste, & sine iuditio fecit præ. N. vel M. proauo N. cuius hęres ipse est.

Auxy sont 5. choses q̃ mittont la briefe de entre hors des degrees cest a dire, Entrusion, Succession, Disseisin sur disseisin, Iudgment, ou Escheat.

1 Entrusion est quant le disseisor deuie seisie, & vn estrange abata.

2 Disseisin sur disseisin, est quãt le disseisor est disseisie per vn auter.

Also there are 5. things which put the Writ of entre out of the degrees, that is to say, Entrusion, Succession, Disseisin vpõ disseisin, Iudgment, & escheat.

1 Entrusion is when the disseisor dieth seised, & an estranger abateth.

2 Disseisin vpon disseisin, is when the Disseisor is disseised by another.

3 Suc-

3 Succession, is where the Disseisor is a man of Religion, or dieth, or is deposed, and his successor entreth.

4 Judgement is when one recouereth against the disseisor.

5 Escheat, is when the Disseisor dyeth without heire, or doth felony wherby hee is attainted, by which the Lorde entreth as in his Escheat.

In all those cases the disseisee or his heire shall not haue a writ of Entre within the degrees in the Per, but in the Post, for that that in those saide cases they are not in by discent nor by purchase.

192 *Entre ad communem legem.*

ALso there is a Writ of Entre Ad communem legem, and lyeth where tenant for terme of life, tenant for term of an others life, tenant by the curtesie, or tenant in Dower alieneth and dyeth, then he in the reuersion shall haue the aforesaid writ against whomsoeuer is in after in the said tenements.

3 Succession, est ou le Disseisor est vn hõe de religion & deuie, ou est deposse, & son successor entra.

4 Iudgement est quant vn recouer vers le disseisor.

5 Escheat, est quant le disseisor deuie sans heire, ou fait felonie, per que il est attaint, per que le Seigniour entra come en son Escheat.

En touts ceux cases le disseisee ou son heire nauera briefe de Entre deins les degrees en le Per, mes en le Post, pur ceo que en ceux dits cases ils ne sont eins per discent ne p purchase.

Entre ad communem legem.

AVxy il y ad vn briefe de Entre ad communem legem, & gist lou tenant a terme de vie, tenant a terme dauter vie, tenaunt per la curtesie, ou tenaunt en dower alien & deuie, donques celuy en le reuersion auera le auantdit brẽ devers quecunque que soit eiens apres en les dits tenements.

193 *Entre en casu prouiso.*

AVxy briefe de entre in casu prouiso gist, si tenant en dower alien en fee ou per terme de vie, ou pur auter vie, viuant le tenant en dower, celuy en le reuersion auera le briefe appel briefe de Entre in casu prouiso, & ceo est puruiew per le statute de Gloeester Cap. 7.

Entre in the case prouided.

ALso a writ of Entre in casu prouiso lieth, if tenant in dower alien in fee, or for terme of life, or for anothers life, liuing the tenant in dower, hee in the reuersion shall haue the writ called a writ of Entre in casu prouiso, & this is prouided by the statute of Glocester cap. 7.

194 *Entre in casu consimili.*

AVxy briefe de Entre in casu consimili gist si tenant pur terme de vie, ou tenant per la curtesie alien en fee, viuant eux celuy en le reuersion auera vn brief appel briefe de Entre in consimili casu, & ceo est ꝑ lestatute de Westminst. 2. Cap. 24.

Entre in casu consimili.

ALso a writ of Entre in casu consimili lyeth, if tenant for terme of life, or tenant by the curtesie alien in fee, lyuing them he in the reuersion shall haue a writ called a writ of Entre in casu consimili, and this is by the statute of West. 2. cap. 24.

195 *Entre ad terminum qui præteriit.*

AVxy briefe de Entre ad terminum qui præterijt gist, si vn home lessa terres a vn auter pur terme dans, & le tenaut tient ouster son terme, donques le lessour auera briefe que est

Entre ad terminum qui præteriit.

ALso a Writ of Entre Ad terminum qui præterijt lyeth, if a man lease land to another for term of yeres, & ẏ tenant hold ouer his terme, then the lessor shall haue a writ which is called

called a writ of Entre Ad terminum qui præterijt.

And also if lands be leased to a man for terme of another's life, and he for whose life the landes are leased dyeth, and the lessee holds ouer, then the lessor shall haue this Writ.

197 *Entre without assent of the Chapter.*

ALso a Writ of Entre sine assensu capituli lyeth, where an Abbot, Prior, or such as hath Couent or common seale, alieneth lands or tenements of the right of his Church, without the assent of the Couent or chapter and dieth, then the successour shall haue this Writ.

197 *Entre for marriage in speech.*

ALso a Writ of Entre Causa matrimonij prelocuti lyeth, where landes or tenements are giuē to a man vpon such condition, that he shal take her to his wife within a certaine time, and he do not espouse her within the said terme, or espouse another woma,

appelle briefe de entre ad terminum qui præterijt.

Et auxy si terres sont lessee a vn home pur terme dauter vie, & cestuy pur q̄ vie les terres sount lessés deuie, & le lessee tient ouster, donque le lessor auera ceste briefe.

Entre sine assensu capituli.

AVxy briefe de Entre sine assensu capituli gist lou vn Abbe, Prior, ou tiel que ad Couent ou common seale, aliener terres ou tenements del droit de son Eglise, sans le assent del Couent ou Chapter & deuie, donque son successiour auera ceste briefe.

Entre causa matrimonii prelocuti.

AVxy brief de entre causa matrimonij prelocuti gist lou terres ou tenemēts sont done a vn home sur tiel condition, que il prendra la donour a sa feme deins certein tēps, & il ne luy espousa deins la dit tēps, ou espouse auē feme,

ou luy fait Priester, ou entra en religion, ou luy disable, issint que il ne puit luy prender accordant a la dit condition, donques le feme donour & ses heires auera le dit briefe vers luy ou vers quecunque est eins en le dit terre. Auxy il couient q̄ cest conditiō soit fait per le endenture, ou autrement cest briefe ne gist, & toutes ceux & aus briefes dentre poyent este fait en le Per, Cui, & Post.

198 *Entrusion.*

ENtrusion, est vn briefe & gist lou tenaunt a terme de vie denie seisie de certaine terres ou tenements, & vn estraunge entra celuy en la reuersion auera le dit briefe vers labator, ou vers quecunque que soit eins apres lour entrusion.

Auxy vn briefe de Entrusion serra maintenable p̄ le successour dun Abbe vers labator q̄ entre en asc̄ terres ou tenements tēpore vacationis que appent a

or make himselfe Priest, or enter in Religion, or him disable, so that he cannot take her according to the saide condition, then the donour and his heires shall haue the saide Writ against him, or against whomsoeuer is in the said Land. And also it behoueth that this conditiō be made by Indenture, or otherwise this Writ doth not lie, and all these and other Writs of entrie may bee made in the Per, Cui, and Post.

Entrusion.

ENtrusion, is a writ and it lyeth where a tenaunt for terme of life dieth seysed of certaine lands or tenements, and a Straunger entreth, hee in the reuersion shall haue the said writ against the abator, or against whomsoeuer that is in after their entrusion.

Also a writ of Entrusion shalbe maintainable by the successour of an Abbot against the abator which shall enter in any lands or tenementes in the time of vacation that belongeth to the

the Church by the Statute of Marlebridge, the last Chapter.

199 *Equitie.*

EQuitie, is in two sortes differing much the one from the other, and are of contrarie effects for þ one doth abridge, diminish & take frō þ letter of þ lawe, The other dooth inlarge, addes amplifie thereunto.

The first is thus desined, Equitie is the correction of a Law generallie made in that part, wherin it failleth, which correction of the generall wordes, is much vsed in our lawe. As if for example when an act of parliamēt is made that whosoeuer dooth such a thing, shalbe a felon, & shal suffer death, yet if a mad man, or an infant of yong yeres that hath no discretion do the same, they shall bee no felons nor suffer death therefore.

Also if a Statute were made that all persons that shall receiue or give meat or drink, or other succor to any þ shal do such a thing, shal be accessarie to his offence, and shal suffer death

Equitie.

EQuitie, est en deux maners, diuers moultz lun del auter, & sont de contrarie effects, car lun abridge, diminish & tolle de le letter del ley, Le auter enlarge amplifie & adde a ceo.

Le primer est issint desine, Equitas est correctio legis generatim laræ qua parte deficit, le quel correctio del general parols, est moult vse en nostre ley. Sicome pur example, quat acte de parliament est fait quecunq; que fait tiel acte serra felon, & serra mise al mort, vncore si home de non sane memorie, ou enfant de tender age que nad discretion le fait, ils ne serront felons, ne mise all morte.

Auxy si estatute soit fait q̄ touts psons que receteront, ou doneront maunger ou boier, ou auter aide a cestuy que faira tiel acte, serront accessary a son offence, & serrōt mise al mor

si

ſi ils conſteront del fact, vncore lun fait tiel acte, & veigne a ſa proper feme, q̄ ſciant ceo luy receiue & done manger & boier a luy, el ne ſerra acceſſarie ne felon, car en le generalty de les dits parols del ley, ceſty de non ſane memorie, ne le enfant, ne le feme fueront include in intent.

Et iſſint equitie correct le generaltie del ley en ceux caſes, & les parols generals ſont per equitie abridge.

Lauter equitie eſt defined en tiel maner. Equitas eſt verborum legis directio efficieus, cnm vna res ſolummodo legis cauetur verbis, vt omnia alia in equali genere, eiſdem caueantur verbis: & iſſint quant les parolx enacte vn choſe, ils enactes toutes choſes que ſont en ſemblables degrees, ſicome le ſtatute que ordeigne que en action de debt vers executors, ceſtuy que vient per diſtreſſe reſpondera, extenda per equitie al adminiſtrators,

if they did knowe of the fact, yet notwithſtanding one doth ſuch an act, and commeth to his wife, who knowing thereof doth receiue him and giues him meat and drinke, ſhee ſhall not be acceſſary nor felon, for in the generaltie of the ſaid wordes of the Law, he that is mad, nor the infant nor the wife, were not included in meaning.

And thus equitie doeth correct the generaltie of the law in thoſe caſes, and the generall wordes are by equitie abridged.

The other equity is defined after this ſort, Equitie is when the wordes of the law are effectually directed, and one thing only prouided by the wordes of the law, to the end that all things of like kinde may be prouided by ỹ ſame, & ſo wh̄ the wordes enact one thing, they enact all other things ỹ are of like degre, as ỹ ſtatute which ordeins that in an action of debt againſt executors, hee that doth appere by diſtres ſhal aunſwere, doth extend by equitie to adminiſtrators,

for

for such of them as doeth appeare first by distresse, shall answere by equity of the said act, because they are of like kind.

So likewise the statute of Glocester giues the action of wast, and the paine thereof against him that holds for life or yeres, and by the equitie of the same, a man shall haue an action of waste against him that holdeth but for one yere or halfe yeare, and yet that is without the wordes of the statute, for he that holdeth but for halfe a yere, or one yeare, doeth not holde for yeres, but that is the meaning and the wordes that enact the one by equity enact the other.

car cestuy de eux que vient primes per distresse respondera per equitie del dit acte, Quia sunt in æquali genere.

Issint le statute de Glocester done le action de Waste, & le punishment de ceo vers cestuy q̄ tient pur vie ou ans, & per le equitie de ceo home auera action de Waste vers cestuy que tient forsque pur vn an, ou demy an, & vn core ceo est hors del parols del estatute, car cestuy que tient forsque pur demy an ou vn an, ne tient pur ans, mes ceo est le entent, & le parols que enact lun per equity enacteront lauter.

200 *Errour.*

ERrour, is a fault in a iudgment, or in the proces, or proceeding to iudgment, or in the execution vpon the same in a Court of record, which in the ciuill Law is called a Nullity, And also Errour is the name of a Writte, and it lyeth where iudgement

Errour.

ERrour, est vn fault en vn iudgment, ou en le proces, ou proceding al iudgment, ou executiō sur ceo, en Court de record, quel fault en le ciuil ley est appel vn Nullitie, Et auxi Errour est le nosme de vn brē, & gist lou iudgement

est

est done en le Common banke ou deuant Iustice in Assise, ou deuaunt Iustice de Oyer & terminer ou deuant le Maior ou vicont de Londres ou en auter Court de Recorde, contre le ley, ou sur vndue ou male proceſſe, donques per cel briefe, le partie grieue vers que le iudgement est done auera cel briefe, & per ceo causera le Recorde & proceſſe destre remoue deuant les Iustices de bank le Roy. Et la si errour soit troue il serra reuerse: mes si erronious iudgement soit done en banke le Roy, donques il ne poit estre reuerse forsque per Parliament tanque le statute 27. Eliz.

is giuen in the Common place or before the Iustice in Assise or Oyer and terminer, or before ỹ Maior and Sherifes of London, or in other Court of Record, against the lawe, or vppon vndue and wrong proceſſe, then by this writ the partie grieued against whome the iudgement is giuen shall haue this Writ, and thereupon cause the Record & proces to be remooued before the Iustice of ỹ kings bench. And if the errour be found it shalbe reuersed: but if an erronious iudgement bee giuen in the kings bench, then it cannot be reuersed but by Parliament, vntill the Statute 27. of Elizabeth.

Auxy si tiel default soit en iudgement done en Court que nest de record, come en County, hundred ou Court baron, donque le party auera brē de Faux iudgement pur faire le record vener deuant Iustice de Common bank. Auxy si error soit troue in Leschequer il serra redresse per le Chancelour & Tresorer

Also if such a default in iudgmēt be giuē in a court that is not of record, as in coūty, hundred or in court baron, then the party shall haue a writ of false iudgement for to make ỹ record to come before iustice of ỹ cōmon place. Also if error be found in the Eschequer, it shall bee redressed by the Chancelor and Treasurer,

as

as it appearech by the statute of E. 3. A. 31. cap. 12.

vt patet per Statute Edw. 3. An. 31. cap. 12.

201 *Escape.*

ESCape, is wher one that is arrested commeth to his libertie before ẏ hee be deliuered by award of any iustice, or by order of law.

Escape is in two sorts, that is to say, voluntary & negligent.

Voluntarie Escape, is when one doth arrest another for felonie, or other crime, & after he in whose custodie he is, letteth him goe where hee will, this letting him go is a voluntarie escape.

And if the arrest of him that escaped were for felonie, then that shall be felonie in him ẏ did suffer the escape, and if for treason, then it shall bee treason in him, & if for trespasse, then trespasse & so in all other.

Negligent Escape is whē one is arested, & after escapes against the will of him that did so arrest him, & is not freshlie pursued and takē before the pursuer looseth the sight of him, this shall be saide a negli-

Escape.

ESCape, est lou vn que est arrest deuigne a son libertie deuant que il soyt deliuer per agard de ascun iustice, ou ꝑ order del ley.

Escape est en deux sorts videlicet, voluntary & negligent.

Voluntary escape est qnt vn arresta auter pnr felony, ou auter crime & puis celuy en que custodie il soit, luy lesser aler ou il veult, cel lesser de luy aler est vn voluntary escape.

Et si larrest de cestuy que escape fuit pur felony, ceo serra dit felony en cestuy que luy lesser discaper, & si pur treason il serra treason en luy, & si pur vn trespasse, donque trespasse, & sic de singulis.

Negligent escape est qnt vn est arrest, & puis escape encouuter le volunt de cestuy que luy arrest, & ne soit freshment pursue, & reprise deuaunt que le pursuor perda le view de luy, ceo serra dit negligent

gent escape, non obstant q̄ cestuy hors de que possession il escape luy repriſt apres le vieu perdu. Auxy ſi vn ſoit arrest, & puis escape & est a ſon libertie, & ceſtuy en que garde il fuiſt luy repriſe apres, & luy a meſne a le priſon, vncore il est escape en luy.

Auxy ſi vn felon ſoit arrest per le Conſtable, & meſne a le gayle en le County & le gayler ne voyt luy receiuer & le Conſtable luy demit, & le gayler auxy, & iſſint il escape, ceſt est vn escape en le gailer, pur ceo, que en tiel caſe le gailer est tenus de luy reſceiuer p̄ le maine le Conſtable ſauns aſcun precept de le Inſtices de peace. Mes auiment est ſi vn common perſon arrest auter per ſuſpition de felony, la le gayler neſt tenus de luy reſceiuer ſans precept de aſcū des Inſtices de peace. Il y ad vn escape auxye ſans arrest, come ſi murder ſoit fait en le iour, & le murderer ne ſoit priſe, dong; il est eſcape p̄ que le

gent escape, notwithſtanding that he out of whoſe poſſeſſion hee escaped, doe take him after he loſt ſight of him. Alſo if one bee arreſted, and after eſcape, & is at his liberty, and he in whoſe Ward he was, take him afterward, and bring him to the priſon, yet it is an escape in him.

Alſo if a felon bee arreſted by the Conſtable and brought to the gaile in the County, & the gailor will not receiue him & the Conſtable letteth him goe, and the gailor alſo, & ſo hee eſcapeth, this is an eſcape in the gailor, for ẏ in ſuch caſe the gailor is bound to receiue him by the hand of the Conſtable without any precept of the Juſtice of peace. But otherwiſe it is if a cōmon perſon arreſt another vpon ſuſpition of felony, there the gailor is not bound to receiue him, without a precept of ſome Juſtice of peace. There is an eſcape alſo without arreſt, as if murder be made in the day, & the murderer be not taken, then it is an eſcape, for the which the

Towne where the murder was done shalbe amerced.

ville ou le murder fuit fait serra amercie.

202 *Eschete.*

ESchete, is where a tenāt in fee simple doth felony for the which he is hāged or abiured the Realme, or bee outlawed of felonie, murder, or pettie treason, or if the tenant dieth without heire generall or special, then the Lord of whō the tenaunt helde the land may enter by way of Eschete, or if any other enter, the lord shal haue against him a Writ, called a writ of Eschete, which as I thinke is deriued of the french word Eschien.

Eschete.

ESchete, est lou vn tenant en fee simple face felonie pur que il est pendu ou abiure le realme, ou vtlage de felonie, murder, ou petit treason, ou si le tenant morust sans heire generall ou speciall, donques le Seignior de que le terre est tenus per le tenaunt poyt enter p voy de Eschete, ou si ascun aut̄ home enter, le Sūr auera vers luy vn brief appel bre de Eschete, quel come semble est deriue del parol francoys Eschien.

103 *Escuage.*

EScuage, is called in latin Scutagium, that is to say, seruice of the shield, & he that holdeth by escuage, holdeth by Knightes seruice, and to that belongeth ward, marriage, & reliefe: but that shalbe intended of escuage not certeine, when ẏ escuage rūneth through England, when it is ordeined by all the Counsell of England, that after the

Escuage.

EScuage, est appel en latin Scutagium, cest adire, seruitium scuti, & cesty que tient per escuage, tient per seruice de chiualer, & a ceo appent garde, marriage, & reliefe: mes ceo serra entende de escuage non certeine, quaunt le escuage courage per tout Engleterre, quaunt est ordeigne per tout le Councel Dengleterre, que apres les guerres

guerres chescun Seigniour auera certaine summe de son tenant que ne fuit en le dit guerre. Mes si le tenant que tient dascun Seignior per escuage, soit oue le roy en ses guerres en Escoce, & le Seign̄ voit distraine luy pur Escuage, il serra bon plee adire, que il fuit oue le Roy en Escoce en le guerre, & ceo serra trie per le Marshall le Roy.

Et nota bene, q̄ home ne poit tener per escuage, sin̄o il teign̄ per homage, pur ceo que escuage de common droit treit a luy homage, come il fuit iudge en Term̄ H. 21. E. 3. cap. 42. fol. 52. Auowrie 115. Et nota bene que Escuage est vn certeine summe de argent, & doit estre leuie per le Seign̄ de ses tenants solonque le quantity de son tenure quant le Escuage courge per tout Engleterr, Et ordeine est per tout le Counsell Dengletre quant chescun tenaunt donera a son seignior, & ceo est properment pur susteiner le guerre perenter Engletre & ceux de Escoce, ou de warre, cuerie Lo;de shall haue a certaine summe of his tenant which was not in the said warre. But if the tenant which holdeth of any Lord by escuage, be with the king in his wars in Scotland, & his Lo;de will distraine him for Escuage, it shall bee a good plee to say, that hee was with the king in Scotland in his wars, & that shalbe tried by p̄ kings Marshal.

And note wel, that a man may not holde by escuage, unles he hold by homage, for that escuage of common right d;aweth to him homage, as it was iudged in Term. H. 21. Ed. 3. cap. 42. fol. 52. Auowrie 115. And note well, that Escuage is a certain summe of money, and it ought to be leuied by the Lord of his tenant after the quantity of his tenure when Escuage runneth through al England. And it is o;dained by al the counsel of England how much euery tenat shal giue to his Lo;d, & that is p;operly to maintaine the wars betweene England and the of Scotland, o; of Wales,

Wales, and not betweene other landes, for that that those foresaid lands should bee of right belonging to the Realme of England. See Lit. lib. 2. cap. 3.

204 *Esplees.*

ESplees, is as it were the seisin or possession of a thing, profit, or commoditie that is to bee taken, as of a common the Esplees is the taking of the grasse or common, by ꝑ mouthes of the beasts that common there: Of an aduowson, the taking of grosse tithes by the Parson presented thereunto: Of wood, the selling of wood, of an Orchard, the selling of apples and other fruite growing there: Of a mil, the taking of toll is the Esplees, & of such like. And note, that in a Writt of right of land or aduowson, or such like, the demaundant ought to alleadge in his count, that he or his auncestors tooke the Esplees of the thing in demaund, or otherwise the pleading is not good.

205 *Essoine.*

ESsoin, is where an actiō is brought, & the plaintife

Gales, & non pas perenter auters terres, pur ceo q̄ les auantdit terres serront de droit appendant a la Roialme Dengleterre. Vide Lit. lib 2. cap. 3.

Esplees.

ESplees, est sicome le seisin, ou possession dun chose, profite, ou commodity q̄ est a prender, come dun common les Esplees est le prender del grasse ou common per les bouches de les beasts que commo la: Dun aduowson le prender de grosse dismes per le Parson presented al ceo: De boys, le vender de bois dun Orchard, le vender de pomes & aus fruits cressants la: Dun molin, le prisel de toll est les Esples, & de tiels semblables. Et nota, que en briefe de Droit de terre, ou aduowson, ou tiels semblables, le demādant doit alleadge en son count, que il ou ses auncestors prise les esplees de chose en demaund, ou auterment le count nest bon.

Essoine.

ESsoine, est lou vn action lest port, & le plain-

iſe ou defendant ne poit bien appearer al iour en court pur vn de 5. cauſes deſouth expreſſes, donqs il ſerra eſſoine de ſauer ſon default.

Nota que ſont 5. maners de Eſſoines, ceſt adire, Eſſoine de ouſter le mere, & per ceo le defendant auera iour per xl. iours. Le ſecond Eſſoine eſt de terra ſancta, & ſur ceo le defendant auera iour per vn an & vn iour, & ſes dix ſerront giſt al commencement del plee. Le tierce eſſoin eſt de male vener, & ceo ſerra adiorne ad common iour come action require, & appel le common eſſoin, & quint, & coment ceſt eſſoine ſerra, vide les ſtatutes, & lieur de abridgment de ſtatutes, lou il eſt bien declare. Auxy le 4. Eſſoin eſt De malo lecti, & ceo eſt ſolement en briefe de droit, & ſur ceo iſſera briefe hors del Chaunce-rie direct al Vicont, que il maundera quarter Chiualers al tenant de veier le tenaunt, & ſi il ſoit maladie, de doner a luy

tife or defendant may not well appeare at the day in court for one of the 5. cauſes vnder expreſſed, then he ſhall be eſſoined to ſaue his default.

Note well that there be 5. maner of Eſſoines, that is to ſay, eſſoine De ouſter le mere, & by that the defendant ſhal haue a day by xl. daies. The ſecond Eſſoine is De terra ſancta, & vpon this the defendant ſhal haue a day by a yere & a day, & theſe twain ſhalbe laid in the beginning of ỹ plee. The third eſſoine is De male vener, & that ſhall be adiorned to a common day as the actiõ requireth, and this is called the common eſſoin, and when, and how this eſſoine ſhall bee, looke the ſtatutes and the Abridgement of ſtatutes, where it is well declared. And the 4. Eſſoine is De malo lecti, & that is onelie in a Writ of right, & therupon there ſhall a writ go out of the Chaunceric, directed to the ſherife, that he ſhall ſend 4. Knightes to the tenant to ſee the tenãt, and if he be ſicke, to giue a

day

day, after a yeere & a day. Also the fift Essoine is de seruice del Roy, & it lieth in all actions except in Assise de Nouel disseisin, a Writ of Dower, Darreine presentment, & in appeale of Murder, but in this essoine it behooueth at the day to shewe his warrant or els it shall turne vnto a default, if it bee in a plee real, or els he shal loose xx. shillinges for the iourney or more, by the discretion of the Justice, if it be in a plee personal, as it appeareth by the statute of Glocester. cap. 8.

iour apres vn an & vn iour. Auxy le 5. Essoin est de seruice le roy, & gist en toutes actions forsque en Assise de Nouel disseisin, briefe de Dower, Darreine presentment, & in appel de Murder, mes en cest essoin il couient al iour de monstre son garrant, ou auterment il tornera a vn default, sil soit en plee real, ou auterment il perdera xx. s. pur le iourney ou pluis, per le discretion del Iustice, sil soit en plee personel, vt patet per le statute de Glocester cap. 8.

206 *Estoppel.*

EStoppel, is when one is concluded & forbidden in lawe to speake against his owne act or decree, yea although it bee to say the truth.

And of Estoppels there are a great many, one for example is, when I. S. is bound in an obligation by the name of T. S. or any other name, & is sued afterward according to ye name in the Obligation, that is to say T. S. now

Estoppel.

EStoppel est quant vn est conclude & denie en ley de parler encoũter son act ou fait demesne, nient obstant il soit pur dire le veritie.

Et de Estopples il y ad vn graund number, vn pur example est quaunt I. S. est oblige en vn obligation per le nosme de T. S. ou ascun auter nosme, & est sue apres accordant al m̃ le nosme mis en le obligation, cest adire T. S. ore

il ne ſerra receiue adire q̄ il eſt miſnoſme, mes ſerra chaſe a reſponde accorde al noſme mis en le obligation, ceſt adire T. S. car paraduenture lobligee ne ſcauoit pas ſon noſme, mes le report tantſolement del obligor meſme, & entant que il eſt meſme le home que fuit oblige, il ſerra eſtoppe & denie en ley pur adire le contrarie enconter ſon fait demeſne, car auterment il poit prender aduantage de ſon tort demeſne, le quel le ley ne voit ſuffrer vn home de faire.

Auxy ſi le file que eſt heire a ſon pere voit ſuer liuerie oue ſa ſoer que eſt vn baſtard, ell ne ſerra apres receiue pur dire que ſa ſoer eſt vn baſtard, entant que ſi la baſtard ſoer priſt le moitie del terre oue luy, il nad remedy per le ley.

Auxy ſi vn home ſeiſie de terre en fee ſimple voit prender vn leaſe p̄ ans de m̄ le terre de vn ſtraunger per fait endent, ceſt vn eſtoppel durant le terme de

hee ſhall not be receiued to ſay, that hee is miſnamed, but ſhall bee driuen to anſwere according to the nāe put in the obligation, that is to ſay, T. S. for peraduenture the obligee did not know his neme, but by the report of the obligor himſelfe, and in as much as hee is the ſame man that was bound, hee ſhall be eſtopped & forbidden in Law to ſay contrarie to his owne deede, for otherwiſe hee might take aduantage of his owne wrong, which the Lawe will not ſuffer a man to doe.

Alſo if p̄ daughter that is an heire to her father will ſue liuerie with hir ſiſter that is a baſtard, ſhee ſhall not afterward be receiued to ſay that her ſiſter is a baſtard, inſomuch that if her baſtard ſiſter take halfe p̄ land with hir, there is no remedy by the law.

Alſo if a man ſeiſed of lāds in fee ſimple wil take a leaſe for yers of the ſame land of a ſtranger by deed indented, this is an eſtoppell during the terme of yeres,

yeres, & the lessee is thereby barred to say the truth, for the trueth is, that hee that leased the lād had nothing in it at ꝑ time of the lease made, & that the fee simple was in him that did take the lease: but this he shall not be receiued to say till after the yeres are determined, because it appeareth that he hath an estate of yeares, and it was his follie to take a lease of his own lands, and therefore shall thus be punished for his follie.

207 *Estraungers.*

EStrangers, are somtimes taken, they that are not parties or priuies to ꝑ letuying of a fine, or making of a deed: Somtimes they that be born beyōd ꝑ seas.

208 *Estray.*

EStray, is wher any beast or cattell is in any lordship, and none knoweth the owner thereof, then it shall be seised to the vse of the King, or of the Lorde that hath such estrate by the Kinges graunt, or by prescription: And if the owner come & claim thereto within a yeare & a daie,

ans, & le lessee est pur ceo barre adire le veritie, car le veritie est, que il que lessa la terre nad riens en ceo al temps del leas fait, & q̄ le fee simple fuit en luy q̄ prist le lease: Mes ceo il ne serra receiue adire tanque apres les ans serra determine, pur ceo que il appiert que il ad estate pur ans, & il fuit son follie de prender vn lease de ses terres demesne, & pur ceo serra issint punie pur son follie.

Estraungers.

EStraungers sont ascun foits prise, ils q̄ ne sont parties ne priuies al fine leuie, ou fesans de vn fait: Ascun foits ils q̄ sont nee ouster le mere.

Estray.

EStray, est lou ascun beast ou cattell est en ascun Seigniorie, & nul conust le owner de ceo, donques ceo serra seisie all oeps le Roy, ou de le Seigniour que ad tiel estray per graunt le Roy, ou per prescription, & si le owner vient & fait claime a ceo deins an & iour,

donques il le reauera, ou autrement apres le an le propertie de ceo ſerra al Seigniour, iſſint que le Seigniour face proclamation de ceo accordant a le ley.

209 *Eſtrepment.*

ESTrepment eſt vn briefe, & giſt lou vn eſt implede per vn precipe quod reddat pur certain terre, ſi le demandant ſuppoſe que le tenant voile faire waſte pendant le plee, il auera vers luy ceſt briefe que eſt vn prohibition, luy commandant q̄ il ne face waſte pendant le plee.

Et ceſt briefe giſt ꝑperment lou vn home demād terre per Formedon, ou briefe de Droit, ou tiels briefes lou il ne recouer damage, car en tiels briefes lou il recouera damages, il auera ſes damages, ayant regard al waſte fait.

210 *Etate probanda.*

ETate probanda, eſt vn briefe doffice, & giſt pur le heire le tenant que tient del Roy in capite, pur prouer que il eſt de plein age,

then he ſhal haue it again, or elſ after the yeare the propertie thereof ſhall bee to the Lord, ſo that the Lord make proclamation thereof according to the Law.

Eſtrepment.

ESTrepment, is a Writ, & it lieth where one is impleaded by a Precipe quod reddat, for certaine Land, if the demandant ſuppoſe that the tenaunt will doe waſte hanging the plee, he ſhal haue againſt him this Writ which is a prohibition, commaunding him that he do no waſte hanging the plee.

And this writ lieth properly where a man demandeth landes by Formedon, or Writ of Right, or ſuch Writs where he ſhall not recouer dammages, for in ſuch writs where hee ſhall recouer damages, he ſhall haue his damages, hauing regard to the waſte done.

Etate probanda.

ETate probanda, is a writ of office, & it lieth for the heir of the tenant that held of the king in chiefe, for to prouc that he is of full age,

die

directed to the Shirife to enquire of his age, & then he ſhall become tenaunt to the king by the ſame ſeruices that his auncestors made to the king: But it is ſaid that euery one that ſhall paſſe in this enquest ſhall bee of the age of xlij. yeares at leaſt, ſo that hee was of full age when he ſ ſueth the writ was borne.

direct al vicont pur enquirer de ſon age, & donques il deuiendra tenant al Roy per meſme les ſeruices que ſon auncestor fiſt al Roy: Mes il eſt dit, que cheſcun que paſſera en ceſt enqueſt ſerra del age de xlij. ans al meins iſſint que il fuit de pleine age al temps quant ceſtuy que ſuiſt le briefe fuit nee.

211 *Excommengement.*

EXcommengement, is to ſay in Latine Excõmunicatio, and it is where a man in Court Chriſtian is excommenged, then hee is diſabled to ſue any action in the Kinges Courte, and if hee remaine excommunicate xl. dayes, and will not be iuſtified by his Ordinarie, then the Biſhop ſhall ſend his Letter patent to the Chancelor to certifie this Excommunication or contempt, and thereupon it ſhall bee commanded to the Shirife to take the body of him that is accurſed by a Writ called de excõmunicato capiẽdo, till he hath made agreemẽt to holie church, for

Excommengement.

EXcommengement, eſt adire en Latine Excommunicatio, & eſt lou vn home per la iudgement en Court Chriſtian eſt excommenge, donques il eſt diſable de ſuer aſcun action en Court le Roy, & ſil remaine excommenge xl. iours, & ne voile eſte iuſtifie per ſon Ordinarie, donques le eueſq̃ mandera ſon letter patent al Chancelour de certifier le excommunication ou contempt, & ſur ceo ſerra commaund al Vicount de prendre le corps lexcommenge per vn briefe appel Excommunicato capiendo, iuſque il ad fait gree al ſaint Eſgliſe, pur

le contempt & tort, & quant il eſt iuſtifie, & ad fait gree, donque leueſque maundara ſa letter al Rey, certifiant ceo, donques ſerra maunde al viſcount de luy deliuer per vn briefe appell Excommunicatio deliberando.

Veies le ſtatute 5. E. 6.

112 *Exchange.*

EXchaunge eſt lou vn home eſt ſeiſi de certain terre, & vn auter home eſt ſeiſi de auter terre, ſi il p vn fait endent, ou ſans fait ſi le terres ſont en vn coũtie, exchange lour terres, iſſint que cheſcun de eux auera auters terres, a luy iſſint exchange en fee, en fee taile, ou a terme de vie, ceo eſt appel vn exchange, & eſt bone ſans liuery & ſeiſin.

Auxy in exchange il couient que les eſtates a eux limitte per lexchange ſont egalles, car ſi vn aueroit eſtate en fee in ſa terre, & lauter aueroite eſtate in auter terre forſque pur ſime de vie, ou en taile, dõques tiel exchange eſt voide, mes ſi les eſtats ſont

the contempt and wrong, and when he is iuſtified & hath made agreement, thẽ the Biſhop ſhall ſend his letters to the King certifying the ſame, and then it ſhall be commanded to the ſhirife to deliuer him by a Writ called Excommunicato deliberanda.

See the ſtatute 5. E. 6.

Exchange.

EXchaunge, is where a mã is ſeiſed of certaine land, and another man is ſeiſed of other land, if they by a deed indited, or without deed, if the lands be in one county, exchange their landes ſo that euery of thẽ ſhall haue others lands to him ſo exchaunged, in fee, fee taile, or for term of life, that is called an exchange, and is good without liuery or ſeiſin.

Alſo in exchange it behoueth that the eſtates to thẽ limited by the exchãge bee egall, or if one ſhould haue an eſtate in fee in his lãd, & the other ſhold haue eſtate in the other land, but for terme of life, or in taile, thẽ ſuch exchange is voide, but if the eſtates be egall,

egal, and the lands be not of egall value, yet the exchange is good. Also an exchange of rent for land is good. Also an exchange betweene rent and commõs good, and that ought to be by deed. Also it behoueth alway, that this word exchange be in the deed, or els nothing passeth by the deed except that he haue liuerie and seisin.

113 *Execution.*

EXecutiõ, is where iudgment is giuẽ in any action that the plaintife shall recouer the land, debt, or damages, as the case is, & when any Writ is awarded to put him in possessiõ, or to doe any other thing, whereby the pl should the better be satisfied his debt or dammages, ꝓ is called a writ of executiõ, & when he hath the possessiõ of ꝯ land, or is payed of ꝯ debt or damages, or hath the body of the defendant awarded to prison, thẽ he hath execution, & if the plee bee in the cõty or court barõ, or hũdred, & they deferr the execution of the iudgement in fauour of the partie, or for

egall, & ses terres ne sont de egal value, vncore lexchange est bone. Auxy vn exchange de rent pur terre est bone. Auxy exchange inter rent & commen est bone, & ceo couient este per fait. Auxy il couient touts foites q̃ cest parol exchange soit in le fait ou auterment rien passa per le fait ſ̃ non q̃ il ait liuerie & seisin.

Execution.

EXecution, est lou iudgement est done en ascun action q̃ le plaintife recouera la terre, le det ou damages, come le case est, & q̃t ascun briefe est agarde de luy mitter en possession ou de faire ascun chose, ꝓ que le plaintife serra le mieux satisfie son debt ou damages, ceo est appel briefe de execution, & quaunt il ad le possession de le terre, ou est pay de det ou damages, ou ad le corps le defendant agard al prison, donques il ad execution, & si le plee sort en County, ou Court Baron, ou hundred, & ils delayont le execution del iudgment in fauour de party ou per

auter

auter encheaſon, donque le demandant auera briefe de Executione iudicij. Nota que en briefe de dett, home nauera recouery de nul terre, mes de ceux que le defendant auoit iour de iudgement rendu. Et de chateux home auera execution ſolement des chateux, queux il auoit iour de execution ſue.

214 *Executor.*

EXecutor, eſt quant home fait ſon Teſtament & darreine volunte, & in ceo noſma le perſon que executera ſon teſtament, donque ceſtuy que eſt iſſint noſme eſt ſon executor, & eſt a tant come en le ciuil ley (*heres deſignatus vel teſtamentarius*) come al dett, biens & chattels ſon teſtator, & tiel executor auera action vers cheſcun debtor de ſon teſtator, & ſi les executors ount aſſets, cheſcun a que le teſtotor fuit in debt, auera action vers le executors ſil ad obligation ou eſpecialty, mes in cheſcun caſe lou le teſtator puiſſoit gager ſon ley, nul action giſt vers executor.

other cauſe, thē the demandant ſhall haue a Writ of Executione iudicij. Note that in a Writ of debt, a man ſhal not haue recouerie of any lāds, but of them which ꝯ defendant hath ꝯ day of ꝯ iudgmēt yeelded. And of cattels a man ſhall haue execution only of the cattels, which he hath day of the execution ſued.

Executor.

EXecutor, is when a man maketh his teſtament & laſt will, and therein nameth the perſon that ſhall execute his teſtament, then he that is ſo named is his executor, & is aſmuch as in the ciuill law, (heres deſignatus or teſtamētarius) as to debts, goods, & cattels of his teſtator, & ſuch an executor, ſhall haue an action againſt euery debtor of his teſtator, & if the executors haue aſſets, euery one to whō the teſtator was in debt, ſhall haue an action againſt the executor, if he haue an obligatiō or ſpecialty, but in euerie caſe wher ꝯ teſtator might wage his lawe, no action lieth againſt the executor.

Looke

Looke more therof before in ỹ title Administrators.

215 *Exigent.*

EXigent, is a writt ꝫ it lyeth where a man sueth an action personall, ꝫ the defendant cannot be found, nor hath nothing within ỹ countie wherby he may be attached nor distrained, thẽ this writ shall go forth to the sherife to make proclamation at fiue counties euery one after another, ỹ hee appeare, or els that hee shalbe outlawed: and if he be outlawed, then all his goods and cattels be forfet to the king. Also in an indictment of felonie, the Exigent shal goe forth after the first Capias. And also in a Capias ad computandum, or ad satis faciendum: And in euery Capias that goeth forth after iudgment, the exigent shal go forth after the first Capias. And also in appeale of death, but not in appeale of robberie or appeale of mayme.

216 *Ex parte talis.*

EX parte talis: Looke therefore before in the title Accompt.

Vide plus de ceo deuaunt itulo Administrators.

t *Exigent.*

EXigent est vn briefe, & gist lou home sue action personal, & le defendant ne puit este troue ne ad riens deins le countie, p que il puit este attache ne distrain, donques cest briefe issera al Vicount de fayre proclamation al v. Counties chescun apres auter q̃ il appearer ou autrement que il serra vtlage: & si soit vtlage, donques touts ses biens & chateux sont forfaites al Roy. Auxy en vn endictment de felony le exigent issera apres le primer capias. Et auxy en Capias ad computandum ou ad satisfaciendum, & en chescun Capias que issist apres iudgement lexigent issera apres le primer Capias. Et auxy en appeale de mort, mes nemy en appeale de robberie ou appeale de maime.

Ex parte talis.

EX parte talis: Vide de ceo deuaunt titulo Accompt.

Ex

217 *Ex graui querela.*

EX graui querela, Vide de ceo deuant titulo Deuiſe.

218 *Extinguiſhment.*

EXtinguiſhment, eſt lou aſc' ſeignior, ou aſc' auſ ad aſcun rent ou ſeruice iſſuant daſcun terre, & il purchaſe meſme la terre, iſſint que il ad tiel eſtate en la terre, come il auoit en le rent, donques le rent eſt extinct, pur ceo que vn ne puit auer rent iſſuãt hors de ſon terre demeſne. Auxy q̃n aſcun rent ſerra extient, il couient que le terre & le rent ſount en vn main, & auxy q̃ leſtate que il ad ne ſoit defeaſible, & auxy q̃ il ait auxy bõ eſtate en le tre cõe en le rent, car ſil ad eſtate en le tre forſq; pur tme de vie ou dans, & ad vn fee ſimple en le rent donq̃s le rent neſt extinct, mes le rent eſt en ſuſpence pur cel temps, & donque, apres le terme le rent eſt reuiue. Auxy ſi ſoit Seigniour, meſme & tenant, & le Seigniour purchaſe la tenancie, donque le menaltie eſt extincte, mes le meſne auera le ſurpluſage

Ex graui querela.

EX graui querela, Looke therefore before in the title Deuiſe.

Extinguiſhment.

EXtinguiſhment, is wher any Lord, or any other, hath any rente or ſeruice going out of any land & he purchaſeth the ſame land, ſo that he hath ſuch eſtate in the land as he hath in ỹ rent, thẽ the rent is extinct for that one may not haue rent going out of his own land. Alſo when any rent ſhall be extinct, it behoueth that the land and the rent be in one hand, & alſo that the eſtate ỹ hee hath be not defeaſible: & alſo ỹ he haue as good eſtate in the land as in ỹ rent, for if hee haue eſtate in the lande but for terme of life or yeres, and hath fee ſimple in the rent, thẽ the rent is not extinct, but the rent is in ſuſpence for that time, and then after the terme, the rent is reuiued. And if there bee Lord, meſne, and tenant, and the Lord purchaſe the tenancy, then the menaltie is extinct, but the meſne ſhall haue the ſurpulſage

of

of the rent, if there be ante, as rent seeke. Also if a man haue a high way appendant & after purchase the land wherein the high way is, then the way is extinct: and so it is of a common appendant.

219 *Extortion.*

EXtortion, is wrõg done by an officer, Ordinary, Archdeacõ, Official, Maior, Bailife, Shirife, Escheator, Cozoner, vndershirife, gailer or other officer, by colour of his Office, in taking excessiue reward or fee, for execution of his saide Office or otherwise, and is no other thing in deed then plaine robberie, or rather more odious thẽ robberie, for robberie is apparaunt, and alwaies hath with it the countinance of vice, but extortion beeing as great a vice as robberie is, carrieth wt it a countinance of vertue: by means wherof it is the more hard to bee tried, or discerned, and therfore the more odious, and yet some there be that will not sticke to stretch their office, credit & conscience, to purchase

del rent, si aſcun ſoit, come rent secke. Auxi ſi home ad chymin appendant & puis purchaſe le terre en q̃ le chymin eſt, donques le chymin eſt extinct, & auxy eſt de vn comen appendant.

Extortion.

EXtortion, eſt vn torte fait per vn officer, Ordinarie, Archdeacon, Officiall, Maior, Bailife, Vicount, Eſcheator, ſouthuicount, Coroner, gailer ou auter officer, Colore officij ſui en prendrans excesſiue reward ou fee, pur execution de ſon dit office, ou auterment, & neſt auter choſe in fait, que plaine robery, mes plus odible que robberie, car robberie eſt apparant, & tout temps ad oue luy le countenance de vice, mes extortion eſteant cy haut vice, come robberie eſt, port oue luy vn coũtenance de vertue, per reaſon de quel ilẽ le plus dure deſte trie, ou diſcerne, & p̃ ceo le plus odible, & vncoũ aſc' il y ad q̃ ne voyloient demur̃ mes ſtretch lour office, credite, & conſcience, p̃ purchaſer money,

money, cybien per extortion, come auterment, accordant al disans de le Poet Virgil, quid nõ mortalia pectora cogit, auri sacra fames.

money as well by extortiõ as otherwise, according to the saying of ye Poet virgil, what is that ye hũger sweet of gold doth not constrain men mortall to attempt?

F.

220 *Failer de Record.*

FAiler de Recorde, est quaunt vn action est porte enuers vn, & le defendant plede ascun matter de Recorde en auter sort & auer̃ de ceo proue per le Recorde. Et le plaintife dit nul tiel Record, sur que le defendant ad iour done a luy, pur amesner eins le recorde a quel iour il faile, ou amesne eyns vn tiel que nest barre al cest action, donques il est dit de failer de recorde, & sur ceo le plaintife auer̃ iudgment de recouer, &c.

F

Failing of Record.

FAiling of record, is whẽ an action is brought against one, and the defendant pleadeth any matter that is of recorde in another sort, and doth auerre to proue it by record, And the plaintife saith there is no such Record, whereupon the defendant hath day giuen him to bring in the recorde, at which day hee faileth, or brought in such a one, as is no barre to this action, then he is said to faile of his record, and therupon the plaintife shal haue iudgement to recouer, &c.

221 *Fait.*

FAit est vn escript enseale & deliuer a prouer & testifier le agreement del party quel fait il est, al chose containe en le faite, Come vn faite de feoffement est vn proue del liuerie de

Deed.

DEede, is a writing sealed and deliuered to prooue & testifie the agreement of the partie, whose deed it is, to the thinge contained in the deede, as a deed of feoffement is a proofe of the liuerie of seisin,

seisin, for the land passeth by the liuerie of seisin, but when the deed and the deliuery are ioyned together, that is a proofe of their liuerie, & that the feoffor is contented that the feoffee shall haue the land. And note, that all deedes are either indented, whereof there be two, three or more partes, as the case requireth, of which the feoffour, graunter, or lessour hath one, the feoffee, grauntee, or lessee another. And peraduenture some other body also another, &c. Or els they are poll deedes, or single, and but one, which the feoffe, grauntee, or lessee hath, &c. And euery deed consisteth of three principall pointes, and if these three bee not ioyned together, it is no perfect deed to bind the parties) namelie, writing, sealing, and deliuerie.

seisin, car le terre passa per le liuerie de seisin, mes quant le fait & le liuery est ioynt ensemble, cest vn proue del liuerie, & que le feoffor est content, que le feoffee auera le terre. Et nota, que touts faites sont ou indent, de quel y sont deux, trois, ou pluſors partes, come le case require, de que le feoffour grauntor, ou lessour ad vn le feoffe, grantee, ou lessee vn auter. Et peraduenture aſcun auter person auxy vn auter &c. Ou autrement ils sont faits poll, ou single, & forsque vn, le quel le feoffee, grauntee, ou lessee ad &c. Et chescun fait consist de trois principal choses, (& si ceux trois ne sont ioyne ensemble, il nest perfect fait de lier les parties) nosmemēt, escripcripture, sigillation, & deliuerie.

The first point is writing, whereby is shewed the parties names to the Deed, their dwelling places, their degrees, the thing granted, vpon what considerations, the estate

Le primer point est escripture, per que est declare les nosmes del parties al fait, lour habiation, lour degrees, le chose grauntus sur queux considerations, le estate limit,

limit, le temps quant il fuit grauntus, & si implement ou sur condition, oue autres tielx semblables circumstances. Mes si les parties al fait, escript en le fine lour noſmes demeſne, on mis a ceo lour markes (come il est communemẽt vſe) il ne fait aſcun matter (come ieo ſuppoſe) car ceo nest entende, ou il est dit, que ſcheſcun fait coutent de auer eſcripture.

Le ſecond point est ſigillation, que est plus teſtimonie de lour conſents al ceo containe en le fait, come appiert per ceux parolx. In cuius rei teſtimonium &c. ou a tiel effect, mis en le fine de faits, ſans queux parolx, le fait est inſufficient. Et pur ceo que nous ſumus en ſigillation & ſigning de faits, il ne ſerra dehors, icy a monſtre a vous, pur le amour de antiquitie, le maner del ſigning & ſubſcribing de faits, en noſtre aunceſtors le Saxons temps, vn faſhion different de ceo q̃ nous vſe en ceux noſtre

limitted, the time when it was graunted, and whether ſimple, or vpon condition, with other ſuch like circumſtances. But whether the parties vnto the deed, write in the end their owne names, or ſet to their markes (as it is commonlie vſed) it maketh no matter at all (as I thinke) for that is not meant, where it is ſaide, that euery deede aught to haue writting.

The ſecond point is ſealing, which is a further teſtimonie of their conſents to that contained in the deed, as it appeareth in theſe wordes. In witnes whereof, &c. or to ſuch effect, alwaies put in the latter end of deeds, without which wordes the deed is inſufficient. And becauſe we are about ſealing and ſigning of deeds, it ſhall not bee much amiſſe here to ſhew you, for Antiquities ſake, the manner of ſigning & ſubſcribing of deedes, in our aunceſtors the Saxons times, a faſhion differing frõ that we vſe in theſe our

dayes,

dayes, in this that they to their deedes subscribed their names (communlie adding the signe of the Crosse,) and in the end did set downe a great number of witnesses, not vsing at that time any kinde of seale. And wee at this day for more suertie, doth subscribe our names (although that bee not verie necessarie, as I haue alreadie said) and put to our seales, and vse the help of testimonie besides. That former fashion continued throughout, vntil the time of the Conquest by the Normans, whose maners by little & little at length preuailed amongst vs, for the first sealed Charter in England is thought to be that of king Edward the Confessor to the Abbey of west. who being brought vp in Normãdy, brought into this realme, that and some other of their guises with him. And after the comming of William the Conqueror, the Normãs liking their owne countrie customes (as naturallie all Nations doe) reiected

iours, en ceo que ils a lour faites subscribe lour nosmes, (communement adding le signe del Crosse,) & en le fine mis vn graund number des testmoignes, nient vsant a cel temps ascun maner de sigil. Et nous a ceſt iour pur plus suertie, auxybien subscribe nostre nosme (nient obstant ceo nest mult necessarie, come ieo aye deuant dit (& mis nostre sigilles, & vse le aide des testmoignes auxy. Ceſt primer fashion continue per toute, tanque al temps del Conquest per les Normans, que manners per petite & petite al darraine preuayle enter nous, car le primer charter sigil en Engliterre est pense destre ceo del Roy Edward le Confessour al Abbey de Westminster, que esteant educate en Normandy, port en ceſt Realme ceo, & ascun auter de lour guises. Et apres le veniens de Guilliam le Conquerour, les Normans estimans de le custom de lour pays (come naturalment touts Nations font) reiect

limit, le temps quant il fuit grauntus, & si simplement ou sur condition, ouc auters tielx semblables circumstances. Mes si les parties al fait, escript en le fine lour nosmes demeisne, on mis a ceo lour markes (come il est communemẽt vse) il ne fait ascun matter (come ieo suppose) car ceo nest entende, ou il est dit, que chescun fait couient de auer escripture.

Le second point est sigillation, que est plus testimonie de lour consents al ceo containe en le fait. come appiert per ceux parolx. In cuius rei testimonium &c. ou a tiel effect, mis en le fine de faits, sans queux parolx, le fait est insufficient. Et pur ceo que nous sumus en sigillation & signing de faits, il ne serra dehors, icy a monstre a vous, pur le amour de antiquitie, le maner del signing & subscribing de faits, en nostre auncestors le Saxons temps, vn fashion different de ceo q̃ nous vse en ceux nostre

limitted, the time when it was graunted, and whether simple, or vpon condition, with other such like circumstances. But whether the parties vnto the deed, writ in the end their owne names, or set to their markes (as it is commonlie vsed) it maketh no matter at all (as I thinke) for that is not meant, where it is saide, that euery deede ought to haue writing.

The second point is sealing, which is a further testimonie of their consents to that contained in the deed, as it appeareth in these words. In witnes whereof, &c. or to such effect, alwaies put in the latter end of deeds, without which woordes the deed is insufficient. And because we are about sealing and signing of deeds, it shall not bee much amisse here to shew you, for Antiquities sake, the manner of signing & subscribing of deedes, in our auncestors the Saxons times, a fashion differing frõ that we vse in these our dayes,

dayes, in this that they to their deedes subscribed their names (communiter adding the signe of the Crosse,) and in the end did set downe a great number of witnesses, not vsing at that time any kinde of seale. And wee at this day for more suertie, both subscribe our names (although that bee not verie necessarie, as I haue afore said) and put to our seales, and vse the help of testimonie besides. That former fashion continued throughout, vntil the time of the Conquest by the Normans, whose manners by little & little at length preuailed amongst vs, for the first sealed Charter in England is thought to be that of king Edward the Confessor to the Abbey of west. who being brought vp in Normãdy, brought into this realme, that and some other of their guises with him. And after the comming of William the Conqueror, the Normãs liking their owne countrie customes (as naturallie all Nations doe) reiected

iours, en ceo que ils a lour faites subscribe lour noſmes, (communement adding le signe del Croſie,) & en le fine mis vn graund number des testmoignes, nient vsant a cel temps aſcun maner de sigil. Et nous a ceſt iour pur plus ſuertie, auxybien ſubſcribe noſtre noſme (nient obſtant ceo neſt mult neceſſarie, come ieo aye deuant dit (& mis noſtre ſigilles, & vſe le aide de teſtmoignes auxy. Ceſt primer faſhion continue per toute, tanque al temps del Conqueſt per les Normans, que manners per petite & petite al darraine preuayle enter nous, car le primer charter ſigil en Engliterre eſt penſe deſtre ceo del Roy Edward le Confeſſour al Abbey de Weſtminſter, que eſteant educate en Normandy, port en ceſt Realme ceo, & aſcun auter de lour guiſes. Et apres le veniens de Guilliam le Conquerour, les Normans eſtimans de le cuſtom de lour pays (come naturalment tours Nations font) reiect

le maner que ils trouont cy, & reneignont lour proper, come *Ingulphus* le Abbot de Croiland, que vient eins ouc le conqueſt teſmoygne, dicens: Normanni cheriographorum confectionem, cum crucibus aureis, & alijs ſignaculis ſactis in Anglia firmari ſolitam in cæra impreſſa mutant, modumque ſcribendi Anglicum reijciunt. Mes nient obſtant ceo ne fuit fait tout al vn temps, mes il encreaſe & vient eins per certein ſteps & degrees, iſſint que primes & pur vn ſeaſon le Roy ſolement, ou vn peu auters de le Nobilitie ouſter luy vſe de ſigiller: Donques le Noble homes pur le plus part, & nul auters: Quel choſe vn home poit veyer en le Hiſtory de Battell Abbey, ou *Richard Lucy* chiefe Iuſtice de Engleterre, en le temps del Roy Henry le ſecond, eſt report de auer blame vn meane ſubiect, pur ceo que il vſe vn priuate ſigille, quant ceo pertaine (come il dit) al Roy & Nobilitie ſolement.

the maner that they found here, and retayned their owne, as Ingulphus the Abbot of Croiland, who came in with the Conqueſt witneſſeth, ſaying: The Normãs do change the making of writinges which were wont to bee ſirmed in England with croſſes of gold, and other holie ſignes, into the printing waxe, and they reiect alſo the maner of the Engliſh writing. Howbeit this was not done all at once, but it increaſed and came forward by certeine ſteps and degrees, ſo that firſt and for a ſeaſon the king onely, or a few other of the Nobilitie beſides him vſed to ſeale: Then the noble men for the moſt part, & none other: which thing a man may ſee in the Hiſtory of Battell Abbey, where Richard Lucy chiefe iuſtice of England, in the time of K. Henry the ſecond, itis reported to haue blamed a meane ſubiect, for that he vſed a priuate ſeal, when as that pertayned (as heer ſaid) to the King & Nobilitie onely.

It

At which time also (as I. Rosse noteth it) they vsed to engraue in their seals, their own pictures & counterfets, couered with a long coat ouer their Armours. But after this the Gentlemen of the better sort tooke vp the fashion, and because they were not all warriors, they made seales ingrauen with their seuerall coats or shields of armes, for difference sake, as the same author reporteth. In the length about the time of King Edward the third, seales became very common, so that not onely such as bore armes vsed to seale, but other make also fashioned to themselues Signets of their own deuise, some taking the letters of their owne names, some flowers, some knots, and flourishes, some birds and beastes, and some other thing as wee now yet daylie behold in vse.

Some other manner of sealing, besides these haue bin heard of among vs as namely that of King Edward the third, by which

A ql̃ temps auxy (come *I. Rosse note ceo*) *ils vse de* ingraue en lour sigils, lour pictures demesne, & coũfaits, coũr oue lõge tunicle *super lour Armours.* Mes apres ceo les Gentlehomes del meliour sort prist le fashion, & pur ceo que *ils ne fueront toutes* guerriours, *ils* sesoient sigilles engraue oue lour seuerall coates ou shields de armes, p̃ difference, come mesme le aucthour reporta Al darraine, in temps del Roy Edward le iij. sigils sucront mult common, issint que non solement riels, que portant armes vse de sigiller, mes auter homes auxy sesoyent al eux mesmes Signers de lour deuise demesne ascũs prendrans les letter de lour nosmes demesne ascuns flowers, ascun knottes, & flourishes, ascuns oyseaux ou beastes, & ascuns auters choses, come nous ore vnc' iournalment veiomus en vse.

Ascuns lauters manners de sigillation ouster ceux ad estre oye enter nous, come nosment ceo del Roy Edware le iij. per que

il done al Norman le hunter: Le hop & le hopuille, oue toutes les bounds vpside down, & en tesmoign̄ que il son veray, il morde le cere oue son forge dent.

Le semblables de ceſt fuit mẽe a moy per vn de mes amies en vn loſe chart mes non mult auncientñt eſcript, pur ceo il voile moy q̄ ieo eſteema de ceo come ieo penſe bñ: Il fuit come enſuiſt.

Ieo Guilliã King, done a vous Powlen Royden, ma hop & ma hop terres, oue touts les boundes vp & downe, de cœlo al terre, de terre ad infernũ, pur toy & veſtres a demurrer, de moy & mes, al toy & veſtres, pur vn arcke & vn brode ſagit, quãt ieo veign pur hunter ſur yarrow. In teſmoigne que ceo eſt veray, ieo morde ceſt cere oue mon dent, in preſence de Magge, Maude, & Margerie, & mon tierce fittes Henrie.

Item ceo de Alberic de Veer, conteignant le donation de Hatfield, al quel il ſixe vn curt noyer haſthee gaue to Norman the hunter: The hop and the hop towne, with all the bouds bylde downe, and in witnes q̄ it was ſooth, hee bit the wax with his foze tooth.

The like to this was ſhewed to me by one of my friendes in a looſe paper, but not verie auncientlie wzitten, and therefoze hee willed me to eſteeme of it as I thought good: It was as followeth.

I William king, giue to thee Powlen Royden, my hop and my hoplands, with all the boundes vp & downe, from heauen to earth, frõ earth to hell, for thee and thine to dwell, from me and mine, to thee & thine, for a Bow and a broad arrow, whẽ I come to hunt vpon yarrow. In witnes that this is ſooth, I bite this wax with my tooth, in the preſence of Magge, Maude, & Margery, and my third Sonne Henrie.

Alſo that of Alberic de Veer, containing the donation of Hatfield, to the which hee affixed a ſhoꝛt blacke

blacke hafted knife, like vnto an olde halfepennie whittle, in steede of a seale with diuers such like.

What some peraduenture will thinke that these were receiued in common vse & custom, and that they were not rather the deuises and pleasures of a fewe singuler persons, such as are no lesse deceiued, then they that deeme euery Charter and writting that hath no seale annexed, to be as ancient as the Conquest, whereas indeede sealing was not commonlie vsed, till the time of King Edward the third, as hath bin already said.

The third point is deliuerie, which although it be set last, is not the least, for after that a deede is written and sealed, if it bee not deliuered, all the rest is to no purpose.

And this deliuery ought to bee done by the partie himselfe, or his sufficient warrant, and so it shall bind him, whosoeuer wrot or sealed the same, and by this last act the deede is made perfect, according to

cuttel, semblable al vn vieux demy denier whittle, en steed de vn seale, oue diuers tielx semblables.

Mes ascun peraduenture voylent pense q̄ ceux fueroient receiue en common vse & custome, & que ils ne fueroient les deuises & pleasures dun peu singuler persons, tiels quels ne sont meines deceiue, q̄ ils que pensont chescun charter & escript que ne ad sigille annex, de ste cy auncient come le Conquest, lou en verity sigillation ne fuit communement vse tāque al temps del Roy Edward le tierce, come ad este dit.

Le tierce point est deliuerie, quel nient obstant il soit mis darreine, nest le meaneſt, car apres que vn fait soit escript & sigil, si ne soit deliuer, tout le residue est a nul purpose.

Et ceſt deliuerie doyt estre fait per le party luy mesme, ou son sufficient garrant, & issint il luy liera quecunque escript ou sigil ceo, & per ceſt darreine acte, le faite est fait perfect, accordant al

entent & effect de ceo, & pur ceo en faits le deliuerie eſt deſtre proue, &c.

Iſſint poyes veyer que eſcripture & ſigillatiõ ſans deliuerie eſt a nul purpoſe, Que ſigillation & deliuerie lou neſt aſcun eſcripture, worke nul choſe, Ne eſcripture & deliuery ſans ſigillatiõ auxy fait nul fait. Et pur ceo ils touts doient iointment concurre pur faire vn perfect fait, come eſt auantdit.

the intent and effect thereof, and therefore in deeds the deliuerie is to be proued, &c.

So thus you ſee that writting and ſealing without deliuerie is nothing to purpoſe. That ſealing & deliuerie where there is no writting wooꝛketh nothing, Noꝛ writting and deliuerie without ſealing alſo make no deede. And therefoꝛe they all ought ioyntlie to concurre to make a perfect deed, as is befoꝛe ſaid.

222 *Farme ou Ferme.*

FArme ou Ferme eſt ſpecialment le chiefe meſuage en vn village ou towne a que apertinent graund demeanes de touts ſortes, & ad eſte vſe deſte leſſe pur terme de vie, ans, ou a volunt.

Item le rent que eſt reſerue ſur tiel leaſe ou ſemble, eſt appelle farme ou ferme.

Et farmor ou fermor, eſt celuy que occupia le farme ou ferme, ou eſt leſſee de ceo.

Auxy generalmt cheſoũ

Farme ou Ferme.

FArme oꝛ Ferme is ſpecially the chiefe meſuage in a Village oꝛ Towne, where to belongeth great demeanes of all ſoꝛts, and hath bin vſed to bee let foꝛ terme of life, yeares, oꝛ at will.

Alſo the rent that is reſerued vpon ſuch a leaſe oꝛ the like, is called farme oꝛ ferme.

And farmoꝛ oꝛ fermoꝛ, is hee that occupieth the farme oꝛ ferme, oꝛ is leſſee thereof.

Alſo generallie euerie leſſee

leſſee for life, yeares, or at will, although it bee of neuer ſo ſmall a cottage or houſe, is called farmor or fermor.

And note, that they are called farmes, or fermes, of the Saxon word Feormion, which ſignifieth to feed, or yeeld victuall. For in the auncient time, their reſeruations were as well (or for the moſt part) in victuals or money, vntill at the laſt, and that chiefly in the time of King Henry the firſt (by agreement) the reſeruation of victuals, was turned into readie money, and ſo hitherto hath continued amongſt moſt men.

leſſee pur vie, ans, ou al volunt, nient obſtant il ſoyt dun petit cottage, ou meſſ. eſt appel farmor, ou fermor.

Et nota, que ils ſont appels farmes, ou fermes, del Saxon paroll, *Feormian*, q̃ ſignifie pur feed, ou render victuall. Car en auncient temps, lour reſeruations fueront cy bien (ou pur le plus part) en victuall come argent, tanque al darraine, & ceo principalment en le temps del Roy Henry le primer (per agreement) le reſeruation de victuals, fuit conuert en ready argent, & iſſint vncore ad continue enſ pluſors homes.

223 *Faux impriſonment.*

FAux impriſonment, is a Writt, and it lieth where a mã is arreſted & reſtrained frõ his libertie by another, againſt the order of the law, then he ſhall haue againſt him this Writte whereby hee ſhall recouer damages. Looke more thereof before in the title Arreſt.

Faux impriſonment.

FAux impriſonment, eſt vn briefe, & giſt lou hom eſt arreſt & reſtraine de ſon libertie per vn auter, encounter order de ley, donques il auera vers luy ceſt briefe per que il recouera damages: Vide plus de ceo deuaunt titulo Arreſt.

224 *Faux Iudgement.*

FAux iudgement vide de ceo deuant titulo error.

225 *Fee ferme.*

FEe ferme, est quaunt vn tenant tient de son seignior en fee simple rendant a luy le value del moity ou de tierce part, ou quart part ou de auter parte del terre, per an, & que tient en fee ferme ne doit payer relefe ou faire auter chose, mes sicome est conteine en le feoffement forsq; fealtie, car ceo appēt a touts manis tenures.

226 *Fee simple.*

FEe simple est quant ascun person tient terre ou rent ou auter chose inheritable a luy & a ses heires a touts iours, ceux parols ses heires font lestate denheritance, car si terre soyt done a home a touts iours, vnquore il nad forsque estate pour terme de vye. Auxy si tenaunt en fee simple deuie, son primer fittes serra son heire, mes sil nad fits, donques touts les files q̄ il ad serront son heire, & chescun auera son parte p partition, mes sil nad fits ne

Faux iudgement.

FAux iudgmēt, took thers for before in ꝑ title error.

Fee farme.

FEe farme, is when a tenant holdeth of his lord in fee simple, paying to him the value of half, or of the iij. part or ꝑ iij. part, or of other part of the lād, by the yere. And her ꝑ holdeth by fee ferme, ought not to pay relief or do any other thing then is cōteined in the feoffement but fealtie, for that belongeth to all kind of tenures.

Fee simple.

FEe simple, is when anie person holdeth lands or rent, or other thing inheritable to him and to his heirs for euermore, & these words his heirs make the estate of inheritance, for if land be giuen to a man for euer, yet hee hath but an estate for terme of life. Also if the tenāt in fee simple die, his first sonne shall be his heire, but if he haue no son, thē all his daughters that hee hath shall bee his heires, and euerie one shal haue her part, by partitiō, but if hee haue no son nor daugh-

daughter, thē his next cosin collateral of the whole blood shalbe his heire.

227 *Feoffement.*

FEoffemēt is where a mā giueth lands, houses, or other corporall thinges which be hereditable to an other in fee simple, & thereof deliuereth liuery & seisin & possessiō ẏ is a feoffemēt. Also if one make a gift in ẏ taile, or a leas for terme of life, or of another mans life it behoueth also to giue liuery & seisin, or els nothing shal passe by ẏ grant

228 *Feoffor & Feoffee.*

FEffor, is he that infeffeth or maketh a feoffemēt to an other of lands, or tenements in fee simple. And feoffe is hee, who is infeffed, or to whome the feoffement is so made.

229 *Fealty.*

FEalty, is a seruice called in latin Fidelitas & shall be done in such manner, ẏ is to say, the tenaunt shall hold his right hand vpon a booke, & shall say to his lord. I shalbe to you faith full & true, & shall beare to you faith for ẏ lands & tenements, which I claime

file, donques son ꝓcheine cosin collateral de lentier sank serra son heire.

Feoffement.

FEoffment, est lou vn don terre ou tiel chose corporall hereditable a vn auter in fee simple, & de ceo deliuer seisin & possession ceo est vn feoffement. Auxy si vn fait done in le taile, ou leas pur terme de vie, ou pur terme dauter vie, il couient auxy de don liuery & seisin, ou auterment riens passera per le graunt.

Feoffor & Feoffee.

FEffor, est celuy que enfeoffe, ou fait feoffemēt al auter de terres ou tenementes en fee simple. Et feffee est celuy, que est enfeoffe, ou a q̄le feoffement est issint fait.

Fealtie.

FEaltie, est vn seruice appel en latin *Fidelitas*, & serra fait in tiel manner cestascauoir le tenaunt tiendra sa mayne dexter sur vn liuer, & dira a son seigniour. Ieo a vous serra foyal & loyal, & foy vous portera des tenements, que ieo clayme de

de tener de vous, & loyal vous ferra les customes & seruices que faire vous doy al termes assignes, sicome moy eide Dieu, Et basera le liuer: Mes il ne genuiera, come en fesant Homage. Et de ceo vide apres en le title Homage. Auxy Fealtie est incident a touts maners tenures.

to hold of you, and truely shal do to you the customs & seruices that I ought to do to you at the termes assigned, so help me God, And shall kisse the booke: but he shal not kneel as in doing homage. And therof looke after in the title Homage. Also fealtie is incident to all maner tenures.

230 *Felonie.*

FElonie, est vn generall terme, que comprehend diuers haynous offences, pur que le offendors doyent suffer mort, & perder lour terres: Et semble que eux sont appelles Felonies, del Latin parol *Fel*, que est Angloys Gall, en Francoys *Fiel*: ou del auncient parol Angloys Fell, ou Fierce, ou pur ceo que sont entende deste faits felleo animo, with Bitter, Fell, Fierce, ou mischeuous mind. Et ascun de ceux sont, quant home sauns ascun colour de ley, emblea les biens dun auter amountant al value de xij. d'. ou plus, ceo est Larcenie: Mes si vn approcha a le person dū auter en le hault

Felonie.

FElonie, is a generall terme, which comprehēdeth dyuers heynous offences, for which the offēdor ought to suffer death, & loose their lands: And it seemeth that they are called Felonies of the Latin word Fel, which is in English Gal, in French Fiel: or of the auncient English word fell, or fierce, or because that they are intended to be done with a cruell, bitter, fel, fierce, or mischieuous mind. And some of them are, when a man without any colour of law stealeth the goodes of an other amounting to the value of xij. pence, or more, that is Larcenie: But if any approcheth the person of an other in the high way,

way, and robbeth him of his goods, although it be to the value but of one penie, it is Felony, & that is called robberie, and therefore he shall be hanged.

231 *Fieri facias.*

FIeri facias, is a writ iudicial, and it lieth where a man recouereth debt or dammages in the Kinges Court, then he shall haue this writ to the shirife, cõmanding him that he leuie the debt and damages of the goods of him against whom the recouery is had, and it lieth alwayes within a yeare & a day, & after the yere he must sue a Scire facias, & if he be warned, & doth not come at the day &c. or if he come, & can say nothing, then he which recouereth shall haue a writ of Fieri facias directed to ỹ shirife, that he make him haue executiõ of iudgmẽt.

But if a man recouer against a woman, & she take a husband within the yere & the day, then he that shal recouer must haue a Scire facias against ỹ husband.

So it is if an Abbot or Priour recouer & dieth his

chimin, & luy robba de ses byens, meisque ils ne sont forsque al value de vn denier, il est felonie, & ceo est appell' robberie, & pur ceo il serra pendu.

Fieri facias.

FIeri facias est vn briefe iudicial, & gist lou home recouera debt ou dammages en Court le Roy, donques il auera cest briefe al vicount luy commaundant que il leuie le debt & les dammages des biens celuy vers que le recouerie est ewe, & gist toutes foites deins lan & iour, & apres lan luy couient de suer vn Scire facias, & sil soit garnie, & ne vient al iour &c. ou sil vient, & ne scauoit rien dire, donques celuy que recouera auera briefe de Fieri facias direct al vicont que il face luy auer execution de iudgement.

Mes si home recouera vers vn feme, & el prist baron deins lan & le iour, donques il couient q̃ cesty que recouera auera Scire facias vers le baron.

Auxy est si Abbot ou Prior recouer & deuie, son

succeſſor deins lan auera *Scire facias*. Vide de ceo plus en la title Scire facias, & title Execution.

232 *Fine.*

FIne aſcun foits eſt priſe pur vn ſumme dargent quel aſcun eſt de payer al Roy pur aſcun cõtempt ou offence cõmit p luy: quel fine, cheſcun que commit aſcun treſpas ou q̃ eſt conuict, que il fauxment deny ſon fait, ou feſoit, aſcun choſe en contẽpt del Roy, payera al Roy, quel eſt appell' Fine al Roy. Aſcun foits Fine eſt priſe pur vn finall concorde, quel eſt ewe enter aſcuns perſons touchant aſcun terre, ou rent, ou auter choſe, dont aſcun ſuit, ou briefe eſt enter eux pendant en aſcun court, quel poit eſte en diuers maners. Lun eſt quant lun partie reconuſt ceo eſte le droit del auter, come ceo q̃ il eit del done ceſtuy que feſoit le reconuſans, quel touts foites ſuppoſe vn feoffement precedent, & eſt dit Fine execute, ou ſi il reconuſt ceo deſte le droit del auter, omittant les parols (come ceo que

ſucceſſor within the yeare ſhall haue a Scire facias. See therof more in ỹ title Scire fac. & title Execution.

Fine.

FIne ſomtimes is taken for a ſumme of mony which one is to pay to the King for any contẽpt or offence done by him: which fine euery one that committeth any treſpas, or ỹ he is conuicted, ỹ he falſely denieth his owne deede, or did any thing in contempt of law, ſhal pay to the king: which is called fine to the King. Somtime a Fine is taken for a final agreemẽt which is had betwen any perſõs cõcerning any land or rẽt, or other thing wherof any ſuit or writ is betweene thẽ hãging in any court, which may be diuers wates. One is whẽ one party reknowledgeth ỹ to be the right of the other, as that ỹ he hath of the guift of him ỹ made the recognisance, which alwayes ſuppoſeth a feoffemẽt going before, & is called a fine executed: or if he acknowledgeth ỹ to be the right of an other, omitting theſe words (cõe ceo que

il

il eit de son done) which being a fine vpō acknowledging of right only, if it bee leuied to hym which hath the freehold of ẏ land is a Fine vpon a release. And if he that acknowledged it, is seysed, and he to whom it is leuied hath not the freehold of ẏ land, thē it is called a fine executory, which he to whō the land is acknowledged may execute by Entre or Scire fac.

And somtime such a fine sur conusās d'droit only is to make a surrēder: Therin is rehearsed that the reconusor hath an estate for life, & the other a reuersiō.

And somtime it is taken to passe a reuersion, where a particuler estate is recited to be in an other, & that the reconusor will that the other shall haue the reuersion, or ẏ the land shall remaine to an other, after the particuler estate spent.

And somtime he to whō ẏ right is acknowledged, as that that he hath of the gift of the reconusor, shall yeeld the land, or a rēt out therof to ẏ reconusor. And that somtime for the whole

il eit de son done) q̄l esteant fine sur conusans de droit tantum, si soit leuie a cestuy que eit le franktenement del terre est Fine sur release. Et si cesty que ceo conust est seisie, & celuy a que est leuie neit le franktenement del terre, donques est dit fine executorie, quel cestuy a que le terre est conus poit executer per Entre ou p Scire facias.

Et ascun foits tiel fine sur conusans de droit tantum est pur faire vn surrender, lou en ceo est repeat, que le reconusour eit estate pur vie, & lauter en reuersion.

Et ascun foits ceo est ew de passer vn reuersion, lou particuler estate est recite deste en auter, & que le reconusor voit que le auter auera le reuersion, ou que le terre remaine al auter apres le particuler estate finie.

Et ascū foits celuy a q̄ le droit est conus, come ceo que il ad del done le reconusor, rēdra le terre, ou vn rēt hors de ceo al conusor. Et ceo ascun foits lentier

fee.

fee. Aſcun foites pur vn particuler eſtate, oue remainder ou remainders ouſter. Et aſcun foits oue reſeruation del rents oue diſtres & graunt de ceo ouſter per meſme fine.

Et eſt appell' fine, quia pur ceo le ſuit eſt determine, & ſi ceo ſoit recorde oue proclamation ſolonque le ſtatute 4. H. 7. ceo barre eſtrangers.

fee: Sometime for one particuler eſtate, with remainder or remainders ouer: And ſometime with reſeruation of rents with diſtreſſe and graunt therof ouer by the ſaid fine.

And it is called a fine, becauſe thereby the ſuit is ended, and if it be recorded with proclamation according to the ſtatute 4. H. 7. it barreth ſtrangers.

233 *Fireboote.*

FIreboote, eſt neceſſarie boys pur arder, quel per le common ley, leſſee pur ans, ou pur vie, poit prender en ſon terre, nient obſtant il ne ſoit expreſſe en ſon leas: & nient obſtant il ſoit vn leas per parol tantum ſauns fait: Mes ſil priſt plus que beſoigne, il ſerra punie en waſt.

Fireboote.

FIreboote, is neceſſarie wood to burne, which by the common law, leſſee for yeares, or for life, may take in his ground, although it be not expreſſed in his leaſe: and although it be a leaſe by word only without writing: But if he take more then is neceſſary, he ſhall be punished in waſt.

234 *Fledwite.*

FLedwite, hoc eſt quietũ eſſe de amerciamentis, cum quis vtlagatus fugitiuus veniat ad pacem domini Regis ſponte, vel licentiatus.

Fledwite.

FLedwite, that is to bee quite from amercemẽts, when an outlawed fugitiue cõmeth to the kinges peace of his owne will, or being licenced.

Flemeſ-

235 *Flemeſwite.*

FLemeſwite, that is, that pou may haue the cattel, or amerciaments of pour man or fugitiue.

236 *Fletwit.*

FLetwit, or (Flitwit) that is to be quite from contention and conuicts, and that pou may haue plee therof in pour Court, and the amerciaments, for (Flit) in English, is Tenſon in French.

237 *Forreſt.*

FOrreſt, is a place priuiledged by a royal auctho:itie, or by preſcription, for the peaceable abyding and nouriſhment of the beaſtes or byrdes of the forreſt, for the diſport of the king: For which there haue been in auncient time certaine peculier officers, lawes, and orders, part of which appeare in the great Charter of the Forreſt.

238 *Foriudger.*

FOriudger is a iudgemẽt giuen in a writ of Meſne brought by a tenant againſt the meſne Lord, which ſhould acquite the tenaunt of ſeruices de-

Flemeſwite.

FLemeſwite, hoc eſt, quod habeatis catalla, ſiue amerciamenta hominis veſtri fugitiui.

Flerwit.

FLetwit, ou (Flitwit) hoc eſt quietum eſſe de contentione & conuictis, & q̃ habeatis placitum inde in Curia veſtra, & amerciamenta, quia (Flit) Anglice, eſt Tenſone Galſice.

Forreſt.

FOrreſt, eſt vn lieu priuiledge per auctoritie royal, ou per preſcription, pur le peaceable abode & nouriſhment del beaſts ou oyſeaus del forreſt, pur le diſport del Roy: Pur queux ount eſtre en auncient temps certaine peculier officers, leyes, & orders, part de queux appearont en le graunde Charter de le Forreſt.

Eoriudger.

FOriudger eſt vn iudgement done en vn briefe de Meſne port per vn tenãt enuers le meſne Seignior que doit acquiter le tenaunt des ſeruices demandes

mandes per le Seignior paramount de que le tenement est tenus, & le mesne ne voille appeare, donques iudgement serra done que le mesne Seignior perdra son seignioric, & que le tenant dillonques tiendra del Seignior paramount p tiels services come le mesne tenoit de uant, & serroit discharge del services queux il rendoit al mesne per le statute de Westminster 2. Cap. 9. & ceo est appelle vn forindger.

Et auxy si vn Attorney ou auter Officer en ascun Court soit ouste & prohibite de vser ceo, il est dit destre foriudge le court.

maunded by the Lorde aboue of whome the tenement is holden, & the mesne will not appeare, then iudgement shall bee giuen that the mesne Lord shall loose his seignorie, & that the tenant erō thencefoꝛth shall holde of the Lord aboue by such suites as the meine helde before, and shall be discharged of the services which he yeelded to the meine by the statute of West. 2. ca. 9. and that is called a foꝛeiudger.

And also if an atturney oꝛ other Officer in anie Court be put out & forbidden to vse the same, hee is said to bee foꝛeiudged the Court.

239 *Formedone.*

FOrmedone, est vn briefe & gist lou tenaunt en le taile enfeoffa vn estrange, ou est disseise, & deuie, le heire auera brē de Formedone pur recouer le terre Mes sont trois briefes de Formedones, Vn est en le discender & ceo est en le case auauntdit. Auxy si vn done terre en le taile, & pur default de issue le

Formedone.

FOrmedone, is a Writ and lyeth where tenant in the taile infeoffeth an estranger, oꝛ is disseised, & dyeth, the heire shall haue a writ of Formedon to recouer the land. But there be three manꝛ of Formedones. One is in the discender, and that is in the case before said. Also if one giue lāds in the taile, and foꝛ default of issue the

re-

remainder to another in the taile, and that for default of such issue the land shall reuert to the donour, if the first tenaunt in taile die without issue, hee in the remainder shall haue a Formedon in the remainder, But if the tenaunt in the taile die without issue, and hee in the remainder also die without issue, then the donour or his heires shall haue a Formedon in the reuerter.

remainder a vn auter en le taile, & que pur default de tiel issue la terre reuerters al donour, si le primer tenaunt en le taile deuie sans issue, cestuy en le remainder auera vn briefe de Formedone en le remainder, Mes si le tenant en le taile deuie sans issue, & cestuy en le remainder auxy deuy sans issue, donques le donour ou ses heires auera vn Formedone en le reuerter.

240 *Forstall.*

FOrstall, that is to bee quite of amerciamentes and cattels arrested within your land, and the amerriaments thereof coming.

Forstall.

FOrstall, hoc est quietum esse de amerciamentis & catallis arrestatis infra terram vestram, & amerciamenta inde prouenientia,

241 Forestaller.

FOrestaller, is he that buyeth corne, cattell, or other marchãdize whatsoeuer is saleable, by the way as it commeth to markets, faires, or such like places to be solde, to the intent that hee may sell the same againe at a more high and deere price, in preiudice and hurt of the com-

Forestaller.

FOrestaller est celuy que achate blees, auers, ou auter marchandize quecunq; est vendible, per le chimin quaunt il vient al markets, faires, ou tiels semble lieux deste vende, al entent que il poit vender ceo auter foires al vn plus haule & chare price, en prindice & damage de le cõ-

mon weale & people &c.

Le penaltie pur ceux queux sont conuict de ceo, est le primer temps imprisonment pur deux mois, & perde de le value del chose vende.

Le second temps, imprisonment per le space de demy an, & perdra le double value des byens &c.

Le iij. temps, imprisonment durant le pleasure le Roy, & iudgement del pillorie, & forfeitera toutes ses biens & chattels. Vide le Statute 5. Edward 6. capit. 14.

mon wealth & people &c.

The paine for such as are conuict thereof, is for the first time imprisonment for two monthes, and losse of the value of the thing sold.

The second time, imprisonment by the space of half a yeare, and shall lose the double value of the goods &c.

The third time, imprisonment during ye Kings pleasure, and iudgement of the pillorie, and shall forfeit all his goodes and cattels. See the statute 5. Ed 6. cap. 14.

242 *Fourcher.*

FOurcher est vn deuise vse a delayer le plaintife ou demaundant en vn suit enuers deux, queux a ceo ne sont de responder tanque ils ambideux appeare, & le apparance ou essoine dun de eux voyle excuser le default del auter a cel iour, & eux agrea que lun deux solement serra essoine ou apperera al vn iour, & pur fault del apperance del auter auoit iour ouster de appearer, & le

Fourcher.

FOurcher, is a deuise vsed to delay the plaintife or demaundant in a suite against two, which thereto are not to answere till they both appeare, and the apparance or essoine of one will excuse the others default at that day, and they agree that the one shalbe essoined or appeare one day, and for lacke of the appearaunce of the other, haue daie ouer to appeare, and the

other

other partie shall haue the same day, and at that day the other will appeare or be essoined, and he that appeared or was essoined before, will not then appeare because he hopeth to haue another day by ꝑ adiournment of the partie which then appeared, this is called Fourcher, and in some cases the mischiefe thereby is remedied by the statute of Glocester cap. 10. and West. 1. cap. 42. which be in the collection of Statutes in the title Essoine the 4. and 7.

243 *Franches Royall.*

FRanches roiall, is where the Queene graunts to one and his heires, that they shall bee quite of toll, or such like.

244 *Free almes.*

FRee almes, is where in auncient times landes were giuen to an Abbot and his Couent, or to a Deane and his Chapter, and to their successors, in pure and perpetual almes, without expressing anie seruice certaine, this is frankealmoigne, and such are bound before God

auter partie auera meſme le iour & a ceo iour lauter voil apperer ou eſtre eſſoin & ceſtuy que deuaunt appieroit ou fuit eſſoine ne voile donques apperer, pur ceo que il eſperoit dauer auter iour p̄ le adiournement del partie que donques appiert ou eſt eſſoine, ceo eſt appelle Fourcher, & en aſcuns caſes le miſchiefe pur ceo eſt remedie per le ſtatute de Glocester cap. 10. & Weſtminſter 1. cap. 42. que ſont en le collection des ſtatuts title Eſſoine 4. & 7.

Franches roial.

FRanches roial, eſt lou le Roigne graunt al vn & a ſes heires que ils ſeront quite de tolnet, vel huiuſmodi.

Frankalmoigne.

FRankalmoigne, eſt lou en auncient temps terres fuerõt dones a vn Abbot & ſon Couent, ou a vn Dean & le Chapter, & a lour ſucceſſours in pure & perpetuall almoigne ſauns expreſſe aſcun ſeruice certeine, ceo eſt frankalmoigne, & ils ſont tenus deuaunt dieu

de faire oriſons & prayers pur le donour & ſes heirs, & pur ceo ils ne ferront fealty, & ſi tiels que ont terres in franke almoigne ne font aſcun prayers ne deuine ſeruice pur les almes le donour, ils ne ſerront per les donors a ceo compelles, mes pur ceo ils poient complaine al ordinary, luy prayant que tiel negligence ne ſoit pluis auaunt, & Lordinarie de droit ceo doit faire.

to make Oraſons & prayers for the donour & his heires, & for that they do no fealtie, and if ſuch that haue landes in frankealmoigne do make no prayer nor diuine ſeruice for the ſoules of the donours, they ſhall not bee compelled by the donors to do it, but for that they may complaine to the Ordinarie. praying him that ſuch negligence be no more after, & the Ordinarie of right ought to doe it.

Mes ſi vn Abbe &c. tient terres de ſon Seignior pur certeine deuine ſeruice de eſtre fait, come, de chaunter cheſcun venderdie vn Maſſe, ou de faire auc choſe certaine, ſi tiel diuine ſeruice ne ſoit fait le Seign poit diſtreiner, & en tiel caſe labbe doit faire a le Seign, fealty, & pur ceo il neſt pas dit tenure in franke almoigne, mes tenure per deuine ſeruice, car nul poit tener in franke almoigne, ſi ſoit expreſſe aſcū certain ſeruice.

But if an Abbot or holdeth lands of his Lord for certeine deuine ſeruice to be done, as to ſing euerie Friday a Maſſe, or doe ſome other thing, if ſuch diuine ſeruice be not done, the Lord may diſtraine, & in ſuch a caſe the Abbot ought to doe fealtie to the Lorde, and therefore it is not ſaid tenure in frankalmoigne, but tenure by diuine ſeruice, for none can hold by franke almoigne, if any certaine ſeruice bee expreſſed.

245 *Franke fee.*

TEner en Franke fee, eſt a tener en fee ſim-

Franke fee.

TO hold in Franke fee, is to holde in fee ſim-

ple

ple lands pleadable at the common law, not in auncient demesne.

246 *Free mariage.*

FRee mariage, is when a man seised of landes in fee simple, giueth it to an other man, and to his wife (who is the daughter, sister or otherwise of kinne to the donour) in free mariage, by vertue of which words they haue an estate in speciall taile, and shall hold the land of the donor quit of all maner of seruices vntill the 4. degree be past, accounting themselues in the first degree, except fealtie, which they shall doe because it is incident to all tenures, sauing free almes. And such gift may be made aswel after mariage solempnized as before. And a man may giue lands to his son in free mariage, aswell as to his daughter by the opinion of Master Fitzherbert in his writ of Champertie H.

But it appeareth otherwise in Maister Littleton, and in M. Brooke titulo Frankmariage pla. 10.

ple terres pleadable a la common ley, & nient en auncient demesne.

Franke mariage.

FRank mariage est quant vn home seisie de terres en fee simple done ceo al auter home & a sa feme q̄ est file, soer ou auterment de kin al donor, en frankmariage, per vertue de q̄ux parolx ils ont vn estate en speciall taile, & tiendra le terre del donor quite de touts maners de seruice tanq̄ le quart degree soit passe, accountans eux mesmes en le primer degree, sinon fealtie, queux ils sieront, pur ceo quel est incident a toutes tenures forsque frankalmoine. Et tiel done poit estre fait sibien apres mariage solemnize, come deuaunt. Et home poit doner terres a son fits en frankemariage, sibien come a sa file, per le opinion de Master *Fitzherbert* en son brief de Champertie H.

Mes il appiert auterment en Maister *Littleton*, & en Maister *Brook* titulo Frankmariage pla. 10.

Et issint il fuit tenus clere en Graies Inne in Lent, Anno 1576. 18. Elizab. per le Worshipfull M. Rhodes donques lector la.

247 *Franktenement.*

FRanktenement, est vn estate que home ad en terres ou tenementes, ou profit a prendre en fee simple, taile, pur terme de son vie demesne, ou pur terme dauter vie, en dower', ou per le curtesie Dengleterre. Et south ceo il ne est franktenement, car il que ad estate pur aus, ou tient a volunt, nad ascun franktenemẽt, mes ils sont appelle chattels.

Et de franktenement il y ad deux sorts, cestascauoir, franktenemẽt en fait, & franktenement en ley.

Franktenemẽt en fait, est quant vn home ad entred en terres ou tenemẽts, & est seisie de ceo realm̃t, actualment, & en fait. Sicome le pere seisie de terres ou tenemẽts en fee simple deuie, & son fits enter en eux come heir a son pere, donques il ad vn franktenemẽt en fait per son entry.

Franktenemẽt en ley, est

And so it was holde clere in Graies Inne in Lent, Anno 1576. 18. Eliz, by the worshipfull M. Rhodes then reader there.

Freehold.

FReehold, is an Estate that a mã hath in lands or tenementes, or profit to be taken in fee simple, tail, for terme of his owne life, or for terme of an others life, in dower, or by the curtesie of England. And vnder that, there is no free hold, for he that hath estate for yeares, or holdeth at will, hath no freeholde, but they are called chattels.

And of freeholds there are two sorts, that is to say, Freehold in deed, and Freehold in law.

Freehold in deede, is when a man hath entred into lands or tenementes, & is seised thereof reallie, actuallie, & in deed: As if the father seised of landes or tenements in fee simple dyeth, & his sonne entreth into ẽ same as heire to his father, then he hath a freehold in deed by his entrie.

Freehold in Law, is when

when lands or tenements are discended to a man, & hee may enter into them when he will, but hath not yet made his entry indeed, as in the case aforesaide, if the father being seised of lands in fee simple die seised, & they discend to his sonne, but the sonne hath not yet entred into them indeed, now before his entrie hee hath a freehold in law.

248 *Freshsuit.*

FReshsuit, is when a man is robbed, and the party so robbed, followeth ẏ felon immediatlie, & taketh him with the manner, or otherwise, and then bringeth an appeale against him, & doth convince him of the felonie by verdict, which thing being inquired of for the Queene and found, the party robbed shall have restitution of his goods againe.

Also it may be said, that the partie made freshsuit, although hee take not the theefe presently, but that it bee halfe a yeare, or a yeare after the robberie done, before hee be taken,

quant terres ou tenements sont discēdus al vn home, & il poit ent'en eux quant a luy pleast, mes nad vncore fait son entry en fait come en le cāse auant dit, si le pere esteant seisie de terre en fee simple deuie seisie, & ils discend' a son fits, mes le fits nad vncore enter en fait en eux, ore deuant son entrie il ad vn franktenement en ley.

Freshsuit.

FReshsuit, est quaunt vn home est robbe, & le party issint robbe, pursua le felon immediatement, & luy prist oue le manner, ou auterment, & donques port vn appeal enuers luy, & luy conuince del felony per verdict, le quel chose esteant enquire pur le Roigne & troue, le partie robbe auera restitution de ses biens arrer.

Item il poit este dit, que le partie fait Freshsuite, nient obstant q̄ il ne prist le felon presentment, mes que il soit demy an ou vn an apres le robberie fait, deuaunt que il soit prise,

si soit issint que le partie robbe fait tant que en luy est, p diligent enquirie & serch de luy prender, nient obstant q̄ il est prise per vn auter home, vncore ceo serra dit bone freshsuit.

Et issint freshsuit est quant le Seignior vient pur distreiner pur rent ou seruice, & le owner des beastes fait rescous, & enchase eux en auters terre que nest tenus del Seigniour, & le Seignior ensue presentment, & repriſt eux, cest appel freshsuit. Et issint en auter semblables cases.

if so bee that the partie robbed doe what lyeth in him, by diligent inquirie & search to take him, yea although he be take by som other body, yet this shalbe said fresh suit.

And so fresh suit is whē the Lord commeth to distraine for rent or seruice, & the owner of the beastes doth make rescous, and driueth thē into anothers ground that is not holden of the Lord, and the Lord followeth presently & taketh them, this is called fresh suit. And so in other like cases.

G.

249 *Gager de deliuerance.*

GAger de deliuerance est, lou vn sua Repleuin de biens prise, mes il nad deliuerie des biens, & lauter auowa, & le plaintife monstra que le defendaunt est vncore possesse des biens &c. & pria que le defandant gagera deliuerance, donques il mittera eins suertie ou pledge pur le redeliue-

G.

Gager de deliuerance.

GAger de deliuerance, is where one sueth a repleuine of goodes taken, but he hath not the deliuerie of the goodes, and the other auoweth, and the plaintife sheweth that the defendant is yet possessed of the goods &c. and prayeth that the defendant may gage the deliuerance, then he shall put in suerties or pledges for the deliuerance,

rãce, & a writ shal go forth to the Shirife for to redeliuer the goods &c. But if a man claime property, he shal not gage deliuerãce.

And if he say that the beasts be deadin ỹ pound, he shall not gage &c.

Also a man shall neuer gage the deliuerance before that they be at issue, or demurrer in the law, as it is said.

rance, & vn briefe issera al Vicont pur redeliuerer les biens &c. Mes si home claime propertie, il ne gagera deliuerance.

Auxy sil dit que les auers sont morts en le pound, il ne gagera &c.

Auxy home ne gagera iammais le deliuerance auant que ils soyent a issue, ou demurrer en ley, vt dicitur.

250 *Garrantie of charters.*

GArrantie of charters, is a writ, & it lyeth where any deed is made that cõprehẽdeth a clause of warranty, that is to say, Dedi or Concessi, or this word Warrantizabo, and if the tenant be impleaded by a stranger, if it be in Assise or such action where he may not vouch to warrantie, then he shall haue this writ against his feoffor or his heire, & if the land be recouered against him, he shal recouer as much land in value against him that made the warrantie. But this writ ought to be sued hangyng the first writ

Garrantie des charters.

GArranties des charters, est vn briefe, & gist lou aſcun fait est fait que comprehende clause de garranty, cestasçauoir, Dedi ou Concessi, ou cest parol Warrantizabo, & si le tenant soit implede per vn estraunge, si soit en Assise ou tiel action lou il ne poit vouch a garrantie, donques il auera cest briefe vers son feoffor ou son heire, & si le terre soit recouer vers luy, il recouera taunt del terre en value vers cesty que suist le garrantie. Mes cest briefe couiet este sue pendaunt le prymer briefe

vers

vers luy, ou autrement il ad parde son aduantage.

Auxy sur garrantie en ley, come sur homage ancestrel, ou sur rent reserue sur lease a terme de vie, ou done en le taile home auera briefe de garrantie de Charters, mes nemy sur eschange.

against him, or elle he hath loft his aduantage.

Alſo vpon a warrantie in ꝑ law, as vpon homage auncestrel, or vpon rent reſerued vpon a leas for term of life, or a gift in the taile, a man ſhall haue a writ of warrãtie of Charters, but not vpõ eſchange.

251 *Garrantie.*

GArrantie, eſt en trois manners, s. garrantie lineal, & garrantie collateral, & que cõmence per diſſeiſin.

Garrantie lineal eſt lou home ſeiſie en fee, ou en taile, fait feoffement per ſon fuit a vn auter, & oblige luy & ſes heires a garrant, & ad iſſue fits & moruſt, & le garrantie diſcende a ſon fits, ceo eſt lineal garrantie, pur ceo que ſi nul fait oue garrantie vſt eſte fait, donques le droit des terres diſcenderoit al fits come heire a ſon pere, & il conueyeroit le diſcent de le pere a le fits. Mes ſi tenant en le taile diſcontinua le taile, & ad

Garrantie.

GArrantie, is in three maners, that is to ſay, garrãtie lineal, & garrantie collaterall, and which beginneth by diſſeiſin.

Garrãtie lineal is where a man ſeiſed in fee, or in taile, maketh a feffemẽt by his deed to an other, & bindeth him and his heires to warrãtie, & hath iſſue a ſon & dyeth, & ꝑ warrantie diſcẽdeth to his ſonne, that is lineal warrantie, for that ꝑ if no deed with warrantie had been made, then the right of the lands ſhould haue diſcẽded to the ſonne as heire to his father, & he ſhal conuey the diſcẽt from the father to ꝑ ſonne. But if the tenãt in the taile diſcontinue the taile, & hath

iſſue

ſſue and dyeth, and the vncle of the ſſue releaſeth to the diſcontinuee with warrantie &c. & dyeth without ſſue, that is a collaterall warrantie to the ſſue in the taile, for that that the warrãtie diſcendeth vppon the ſſue, the which may not conuey him to the taile by meane of his vncle. And in euery caſe where a man demandeth lands in fee taile by writ of Formedon, if any of the ſſues in the taile which hath poſſeſſion, or which hath not poſſeſſion maketh a warrantie, and he that ſueth the writ of Formedon may by poſſibilitie by matter that may be done, might conuey to him title by force of the gift by him that made the warrantie &c. that is then a lineall warrantie, and by ſuch a lineall warrantie, the ſſue in the taile ſhall not be barred, except that he haue aſſets to him diſcended: But if he may not by no poſſibilitie that may be conuey to him title by force of the gift by him that made the warrantie,

iſſue & deuie, & le vncle del iſſue releſſa al diſcontinuee oue garrantie &c. & moruſt ſans iſſue, ceo eſt collateral garrantie al iſſue en le taile, pur ceo que le garrantie diſcende ſur le iſſue, le quel ne poit ſoy conueyer a le taile per le mean de ſon vncle. Et en cheſcun caſe lou home demanda terres en fee taile per briefe de Formedon, ſi aſcun auncеſter del iſſue en le taile que auoit poſſeſſion, ou que nauoit poſſeſſion fait vn garrantie, & ceſty que ſua le briefe de Formedone poit per poſſibilitie per matter que puiſſoit eſte fait, puiſſoit conueyer a luy title per force del done per celuy que fiſt le garrantie &c. ceo eſt donques vn lineal garrantie, & per tiel lineal garrantie, le iſſue en le taile ſerra barre, ſinon que il ad aſſets a luy diſcendus en fee ſimple: Mes ſi il ne poit per nul poſſibilitie que poit eſte conueye a luy title per force del done per celuy que fiſt le garrantie,

don-

donques ceo eſt vn collateral garrantie, & per tiel collateral garrantie, le iſſue en le taile ſerra barre ſans aſcun aſſets. Et le cauſe que tiel collateral garrantie eſt vn barre al iſſue en le taile, eſt pur ceo que touts garranties deuant le ſtatute de Glouceſter, queux diſcendant a ceux queux ſont heires a eux que ſeſoyent les garranties fueront barres a meſme les heires a demaunder aſcun terres, forſpriſe les Garranties que commence per diſſeiſin, & pur ceo que le dit ſtatute ad ordeine que le Garrantie del pere ne ſerra barre a ſon fits pur les terres que veigne del heritage le mere, ne le garrantie de le mere ne ſerra barre al fits pur les terres que veigne del heritage del pere, per le ſtatute de 11. Hen. 7. cap. 20. & nul de les ſtatutes ad fait ne ordeine remedie encounter le garrauntie que eſt collaterall al iſſue en le taile, & pur ceo le garrantie que eſt collaterall al iſſue en le

then that is a collaterall warrantie, and by ſuch a collaterall warrantie, the iſſue in the tail ſhalbe barred wythout any aſſets. And the cauſe that ſuch a collateral warrantie is a barre to the iſſue in ꝑ taile, is for that, that al warranties before the ſtatute of Glouceſter, which diſcended to the which be heires to them that made ꝑ warranties were barres to the ſame heires to demaund any lands, except the warranties that began by diſſeiſin, & for that, that the ſaid ſtatute hath ordeined that the warrantie of the father ſhall be no barre to his ſonne for the landes which come of ꝑ heritage of the mother, nor the warranty of the mother ſhalbe no barre to the ſonne for the landes which come of the heritage of ꝑ father, by the ſtatute 11. H. 7. c. 20. & none of the ſtatutes hath made nor ordeyned remedie againſt the warrantie that is collateral to ꝑ iſſue in the taile, & therefore the warrantie that is collaterall to the iſſue in the taile,

taile, is yet in his force, & shalbe a barre to the issue in the taile, as it was before the statute. Also it behoueth that al warranties whereby any heire shall be barred, that the warrantie discend by the course of the commō law, to him which is heire to him that made the warranty, or els it shal be no barre, for if the tenant in the taile, of landes in Borow English, where the ponge ſt sonne shal inherite by the custome discontinueth the taile, and hath issue ij. sonnes, & the vncle releaseth to the discontinuee with warrantie and dyeth, and the ponger sonne bringeth a Formedone, yet he shall not be barred by such warrantie, causa qua supra. Also if any man make any deede with warrantie, whereby his heire should be barred, and after he that made the warrant be attaint of Felonie, then his heire shall not be barred by such warrantie, for that that such warrantie might not discend vppon him, for that that the bloud is corrupt.

taile, vncore eſt en la force, & ſerra barre al iſſue en le taile, come il fuit deuaunt le ſtature. Auxy il couyent que toutes garranties, per que aſcun heire ſerra barre, que le garrantie diſcend per courſe del common ley, a celuy que eſt heire a luy que fiſt le garrantie, ou autrement il ne ſerra barre, car ſi le tenaunt en le taile des terres en Borow Engliſh, lou le puiſne fites enherittera per la cuſtome diſcontinua le taile, & ad iſſue deux fites, & luncle releſſa al diſcontinuee oue garrantie & deuie, & le puiſne fits port Formedone, vncore il ne ſerre barre per tiel garrantie, cauſa qua ſupra. Auxy ſi aſcun home fait aſcun fait oue garrantie, per quel ſon heyre ſerroit barre, & puis ceſtuy que fiſt le garrantie ſoyt attaint de felonie, donques ſon heire ne ſerra barr per tiel garrantie, pur ceo que tiel garrantie ne puit diſcender ſur luy, pur ceo que le ſanke eſt corrupt.

Garran-

Garrantie commenceant p disseisin, est si le fits purchase terre, & puis lessa le terre a son pere pur terme dans, & le pere per son fait de ceo enfeoffa vn estrange, & oblige luy & ses heires a garrantie, & le pere deuie, per quel le garrantie discende al fits, vncore cest garrantie ne barrera my le fits, mes le fits bien poit enter nient obstant cel garrantie, pur ceo que cest garrantie commensast per disseisin, quant le pere fist le feoffement, que fuit vn disseisin al fits: Et come est dit de le pere, issint poit este dit de chescun auter aunceſtour. Et mesme le ley est si launcestour soit tenant per Elegit, ou per Statute marchant, & fait ascun feoffement oue garrantie, tiels garranties ne serront barres, pur ceo que ils commenceont per disseisin.

252 *Garrantie.*

GArrantie, est quant vn est lye al auter que ad terre de garrant, le terre a luy, le quel poit commence per deux meanes,

Garrantie beginning by disseisin, is if the sonne purchase lands, & after let the lands to his father for terme of peres, & the father by his deede enfeoffeth a stranger, & bindeth him & his heires to warrantie, & the father dieth, whereby the warrantie discendeth to the sonne, yet this warrantie shall not barre the sonne, but the sonne may well enter notwithstanding his warranty, for that that this warrantie began by disseisin, when the father made the feoffement, which was a disseisin to the son. And as it is said of the father, so it may be said of euery other ancestor. And the same law is, if the auncestour be tenant by Elegit, or by Statute marchant, and make a feoffement with warrantie, such warranties shall bee no barres, because they begin by disseisin.

Garrantie.

GArrantie, is when one is bound to an other which hath land, to warrant y land to him, which may begyn two wayes,

g. by

ſ. by deede of law: As if one e his auncestors hath held land of an other and his auncestors time out of mind, by homage, which is called Homage auncestrell: Or by deede of the party which graunteth by deede or fine to the tenant of the land to warrant it to him: upon which warrantie if the tenant be impleaded by hym whych ought to warrant, or hys heires, the tenant shall barre the demandant by pleading of the warrantie against him, which is called Rebutter: Or if he be impleaded by an other in an action, where in he may vouch, he shall vouch him which warranted, or hys heires, and if the plaintife recouer, the tenant shall recouer in value against the vouchee.

ceſtaſc. p act del ley: Come ſi vn & ſes auncestors ont tenu terre del auter, & ſes auncestors per temps dont memorie ne curt, per homage, que eſt appelle Homage auncestrel: Ou per lact del partie que graunta per fait ou fine al tenant del terre de garrant ceo a luy: ſur quel garrantie ſi le tenant ſoit implede per luy que doit garrant, ou ſes heires, le tenant barrera le demaundant per pleader del garrantie vers luy, que eſt appelle Rebutter: Ou ſi ſoit implede per auter en action, en que il poit vouch, il vouchera ceſtuy que garrant, ou ſes heires, Et ſi le plaintife recouer, le tenaunt recouera en value vers le vouchee.

253 *Gard.*

WArd, is when an infant whoſe auncestor held by knights ſeruice, is in the ward or keeping of the Lord, of whom thoſe landes were holden. And if the tenant hol d of diuers Lordes diuers

Gard.

GArd, eſt quant vn enfant que auncestour tient per ſeruice de chiualrie, eſt en le garde & cuſtodie de le Seignior de que ils fuerent tenus. Et ſi le tenant tient de diuers Seygniours dyuers terres

terres, celuy Seignior de que il tient per prioritie, cestasçauoir, per le plus auncient tenure, auera le garde del enfant: Mes si vn tenure soit auxy auncient que le auter, donques celuy que primes happa le garde de le corps gardera ceo: Mes en ceo case chescun Seignior auera le garde del terre que est tenus de luy. Mes si le tenaunt tient ascun terre del Roigne en chiefe, donques le Roigne per sa Prerogatiue auera le garde del corps, & de tout le terre que est tenus de luy, & de chescun auter Seignior.

lands, the Lord of whom the land is holden by priorittie, that is to say, by the more elder tenure, shal haue the wardship of the infant: But if one tenure be as olde as the other, then he that first happeneth to haue the ward of the bodie shall keepe it: But in that case euery Lord shall haue the ward of the land that is holden of him. But if the tenant hold any land of the K. in chiefe, then she by her Prerogatiue shall haue the ward of the bodie, and of all the land that is holden of her, and of euery other Lord.

Auxy sont diuers briefes de Garde, vn est briefe de Droit de garde, & gist lou le tenant deuie, son heire deins age, & vn estrange entra en le terre, & happa le gard de le corps de lenfant.

Also there bee diuers writs of Warde, one is a writ of Right of warde, and that lyeth where the tenant dyeth, his heire within age, & a stranger entreth into the land, and hapneth to haue the ward of the bodie of the infant.

Briefe de Eiectment de garde gist lou home est ouste de la garde de terre sauns le corps de le enfant.

A writ of Eiectment of ward lyeth where a man is put out of the ward of the land without the body of the infant.

Briefe de Rauishment de

A writ of Rauishment of

ward

ward lyeth where the body is taken from him onely, and not the land.

254 *Wardeine.*

WArdeine, or Gardein, most properly is her that hath the wardship or keeping of an heire, and of his lande holden by knights seruice, or of one of them to his owne vse, during the nonage of the heire, & within that time hath the bestowing of the body of the heire, in marriage at his pleasure, without disparagement,

And of Wardeins there be two sorts, namely, gardein in right, & gardeine in deed.

Gardein in right, is he that by reason of his seigniory is seised of his wardship or keeping of the land, and of the heire during the nonage of the heire.

Gardeine in deede, is where the Lord after his seisin, as aforesaid, graunteth by deede, or without deede, the wardship of the land, or of the heire, or of both to another, by force of which grant, the grauntee is in possession, then is the

gard gist lou le corps est prise de luy solement, & nient le terre.

Gardeine.

GArdeine, ou Gardeine, plus properment est celuy que ad le garde ou custody dun heire, & de son terre tenus per seruice de chiualrie, ou de vn de eux a son vse demesne, durant le nonage del heire, & deins cest temps ad le bestowing del corps del heir, en mariage al son volunt sans disparagement.

Et de gardeines il y ad deux sortes, nosmement, gardeine en droit, & gardein en fait.

Gardein en droit, & celuy que per reason de son seigniorie est seisie del gardship ou custodie del terre, & del heire, durant le nonage del heire.

Gardein en fait, est lou le Seignior apres son seisin, come auantdit, granta per fait, ou sauns fait, le gardship del terre, ou del heire, ou de ambideux a vn auter, per force de quel graunt, le grauntee est en possession, donques est le

grauntee appelle gardeine en fait.

Et ceſt gardeine en fait poyt graunt le heire al auter auxy: Mes ceſt auter neſt propermẽt appel gardein en fait, car ceo eſt le grauntee del gardein en droit ſolement.

Mes le gardein en Socage ad le profit ſolement al vſe del heire ieſque il ad accompliſh le age de xiiij. ans, & rendra pur ceo accompt al heire. Vide plus de ceo Littleton lib. 2. cap. 4. & 5. Et Stamford ſur ſtatute de Prærog. Cap. 1. & 6.

grauntee called gardein indeed.

And this gardein indeed may graunt the heir to an other alſo: But that other is not properlie called Gardeine indeed, for that is the grantee of the Gardein in right only.

But the gardeine in ſocage hath the profit onelie to the vſe of the heire, vntill he accompliſh the age of xiiij. yeares, and muſt yeeld therefore an account to the heire. See more hereof Littleton lib. 2. cap. 4. and 5. And Stam. vpon the ſtatute of Prerogatiue cap. 1. 2. and 6.

255 *Garniſhment.*

GArniſhment eſt, ſicome vn action de detinue des charters eſt port vers vn, & le defendaunt dit, que les charters ſueront deliuer a luy per le plaintife & per vn auter ſur certein conditions, & prie que lauter ſoit garnie de pleader oue le plaintife ſi les conditions ſont perimples ou nemy, & ſur ceo vn briefe de Scire facias iſſera vers luy, & ceo eſt appelle Garniſhment,

Garniſhment.

GArniſhment is, if an action of detinue of charters bee brought againſt one, & the defendant ſaith, that the charters were deliuered to him by ỹ plaintife & by an other vpon certaine conditions, & praieth that the other maybe warned to plede with ỹ plaintife if the conditions be performed or no, & thereupon a writ of Scire facias ſhall goe forth againſt him, and that is called garniſhmẽt, and

and the other when hee commeth shall plede with the plaintife, & that is called enter pleder.

256 *Gauelet.*

GAuelet, is a speciall and auncient kinde of Cessauit vsed in Kent where the custome of Gauelkind continueth: whereby the tenaunt shall forfaitte his lands and tenementes, to the Lord of whō they are holden if he withdraw frō his Lord his due rents & seruices, after this maner as followeth.

If any tenaunt in Gauelkind, withhold his rēt and his seruices of the tenement which hee holdeth of his Lord, let the Lorde seeke by the award of his Court from three weekes to three weekes, to finde some distresse vpon the tenement vntill the 4 court, alwaies with witnesses. And if within that time, he can find no distres in that tenement, whereby he may haue Iustice of his tenāt, Then at the 4. Court let it be awarded, that he shal take that tenemēt into his hand, in the name of a dis-

& lauter quaunt il vient eins pledera oue le plaintif, & ceo est appel enterpleder.

Gauelate.

GAuelate, est vn speciall & ancient kind de Cessauit vsed en Kent ou le Custome de Gauelkinde continue, per quel le tenaunt forfeitera ses terres & tenementes al Seigniour de que ils sont tenus, sil detaine de son Seigniour ses due rents & seruices, solonque cest maner que ensuist.

Si ascun tenaunt en Gauelkinde retaine sa rent, & ses seruices de le tenement que il tyent de son Seigniour, querge le Seigniour per agarde de sa Court, de trois semaines en trois semaines, de troūer distresse sur cel tenement iesque a le quart court, a toutes foytes per tesmoignes. Et si deins cel temps ne troue distres en cel tenement, per queux il puisse son tenaunt iusticer, Donque a la quart Court soit agarde que il preigne cel tenement en sa maine, en nosme de di-

ſtreſſe, auxy come ſuit Boefe ou Vache, & le tient vn an & vn iour, en ſa maine, ſans maine ouerer, deins quel terme, ſi le tenaunt vient, & rende ſes arrerages, & fait reaſonables amendes de la deteiner, adonc eit, & enioy ſon tenement, ſicome ſes auncestours & luy auaunt tiendront. Et ſil ne vient deuaunt le an & le iour paſſe, donc auage le Seigniour al procheyne County Court ſuyant oue teſmoygnes de ſa Court, & face la pronuncier cel proceſſe p̄ teſmoynage auer, & per agarde de ſa Court (apres ceo Countie tenue) entra & meynouera en cels terres & tenementes, ſicome en ſon demeſne.

Et ſi le tenaunt vyent apres, & voyler reauer ſes tenementes, & tener ſicome il fiſt deuaunt, face gree al Seygniour, ſicome il eſt auncientment diſt.

Neghe ſith ſelde, & neighe ſith gelde, & v.li.

ſtreſſe, as if it were an oxe or a cow, & let him keepe it a yere & a day in his hand without manuring it: wiin which terme if the tenaunt come and pay his arrerages, & make reaſonable amends for p̄ withholding, then let him haue and enioy his tenement as his anceſtors & he before held it: and if hee doe not come before the yeare & the day paſt, then let the Lord goe to the nert County Court with his witneſſe of his own Court, & pronounce there this proceſſe to haue further witneſſes, & by the award of his court, (after the County Court holde) he ſhall enter & manure thoſe landes & tenements as in his own. And if the tenant come afterward, & will rehaue his tenements, and hold them as hee did before, let them make agreement with the Lorde, according as it is auncientlyſaid.

Hath hee not ſince anie thing giuen, nor hath hee not ſince any thing payed: Then let him pay fiue li. for

for his were ere before hee become tenaunt or holder againe. See hereof 10. H. 3. Fit. Cessauit. 60. and statute 10. E. 2. of Gauelet in London. In the Collection of Statutes London 2. matter much tending to this purpose, that by this worde Gauelet the Lorde shall haue the land for the ceasing of the tenant. And see W 2. cap. 21. which giueth Cessauit.

for the were, er hee become healder. Vide de ceo 10. Hen. 3. Fitzherb. Cessauit 60. & statute 10. Ed. 2. de Gauelet en London, en le Collection del statutes London 2. matter tendant mult a cel purpose que per cel parol Gauelet le Seigniour auera le terre, pur cesser le tenaunt. Et vide Westm 2. cap. 21. que done Cessauit.

There bee some copies that haue the first Verse thus written.

Nisith yelde, and nisith gelde.

And others thus.

Nighesith yeld, & nighsith geld.

But these differ not in signification, other copies haue it after this sort.

Nigondsith seld, and nigondsith geld.

That is to say, let him rx. times pay, and rx. times repay.

Il y ad ascũs copies que ad le primer Verse issint escript.

Nisith yelde, and nisith gelde.

Et auters issint.

Nighesith yelde, and nighesith geld.

Mes ceux ne differ en signification, auter copies ont ceo solonq̃ cest sort.

Nigondsith seld, & nigondsith geld.

257 *Gauelkinde.*

GAuelkind, is a custome annexed, and going with landes in Kent called Gauelkind lands holden by ancient Socage tenure,

Cestassauoir, payera il nouies foytes, & nouies foits repay.

Gauelkinde.

GAuelkinde est vn custome annex & currant oue ẽres en Kent appel Gauelkinde terres tenus en ancient Socage tenure,

nure. Et est pense per les erudite en Antiquities, deste appel Gauelkinde de Gyue al kinne, ceſt adire a toutes les kinne en vn line, accordant come est vse enter les Germans, de que nous Anglois, & especialment de Kent venomus. Ou il est appell Gauelkinde de Gyue al kinde, ceſt adire al toutes les males, car kinde en Dutch signifie vn male. Et diuers auters semble conjectures sont fait per eux de le nosme (Gauelkinde) le quel ieo omit de purpose pur breuity.

Les plus vsual customes de eux sont, que le terre est deuidable enter les heires males, & que le heire al age de xv. ans poit done & vende sa terre, & serra inherite, coment son pere soit attaint & pendue pur felony, & sa feme serra endow del demy del terre, dont son baron deuie seisie, & le baron serra tenaunt per le Curtesie del demy, coment ne auoyt issue per sa feme: mes le estate del baron & feme cease per lour second ma-

nure. And is thought by the skilfull in Antiquites, to be called Gauelkind of Gyue al kin, that is to say, to all the kindred in one lyne according as it is vsed among the Germās, from whom wee Englishmen, and chiefly of Kent come. Or els it is called Gauelkinde of Gyue all kind, that is to say, to all the male children, for kind in Dutch signifieth a male childe. And diuers other like conjectures are made by them of the name (Gauelkind) which I omit of purpose for shortnes sake.

The most vsuall customes of them are, that the land is deuidable between the heirs males, & that the heir at the age of xv. yeres may giue & sell his land, & shal inherite, although his father be attainted & hanged for felonie, & his wife shalbe indowed of half the land, whereof her husband died seised, & the husband shalbe tenant by the curtesie of the halfe although he haue no issue by his wife, but the estate of the husband & wife ceaseth by their 2. mar-

riage.

riage. And diuers others customes are vsed in Kent of landes in Gauelkinde, for which see the Perãbulation of Kent, made by M. Lambert. For which cause the residue I will omit as vnnecessarie for this booke, and intreated of largely in the said Perambulation.

riage. Et diuers auters customes sont vses en Kent de terres en Gauelkinde, pur queux veies le *Perambulation de Kent*, fait per *Master Lambert*. Pur quel cause le residue ieo voyle omit come impertinent a cel lieur, & intreat amplement en le dit *Perambulation*.

258 *Gelde.*

GElde, that is to be quite of seruile customes which were wont to be giuen, and are yet giuen, as horsegeld and such like.

Gelde.

GElde, hoc est quietũ esse de consuetud' seruilib' q̃quondam dari consueuerunt & adhuc dãt cõe horsegeld & hijs similibus.

259 *Graund Cape.*

GRaund Cape, took therfore after in ỹ title Petit Cape.

Graund Cape.

CRaund Cape, Vide de ceo apres title *Petit* Cape.

260 *Graund Seriantie.*

GRaũd Serianty, is where a man holdeth of the king certaine land by the seruice of carying his banner or launce, or to leade his hoste, or to be his caruer, or butler at his Coronation, and that is most honourable seruice & most worthie that a tenant may doe, and for that it is called graund seriaunty. But petit seriantie is when one

Graund Serianty.

GRaund Serianty est lou vn hõe tiẽt de roy certein terres per le seruice de porter son banñ ou launce, ou amesner son hoste, ou destre son caruer ou butler a son Coronment & tiels semblables, & ceo est la pluis honorable seruice & pluis digne, que le tenaunt poit faire, & pur ceo est appel graund Serianty, Mes petit Serianty est quant vn

tient de Roy rendant aluy annuelment vn ark, vn coteau, vn launce, & tiels sembl', & ceo nest forsq; socage en effect, mes home ne poyt tener in graund serieanty ne per petit serieanty sinon de roy. Auxy si tenaunt per graund serieantie morust son heire esteant de pleine age, le heire payera al Roy pur reliefe le value des terres ouster les charges que il pay al Roy ꝑ grand serieanty: mes cestuy que tyent ꝑ Escuage paiera pur son reliefe forsq; C. s.

Auxy ceux que sont en le Marches de Scotland, que tient del roy per Cornage, cest est, pur ventiler vn cornu quaunt les Scots entront en Angleterre, sont tenants ꝑ graund serieanty.

Auxy ou vn home tient de Roy pur trouer vn home en sa guerre deins le Realme, cest est dit graund Serieantie, pur ceo, que il est fait per corps dun home. Et si le tenaunt ne poit trouer home de faire ceo, donques il est tenus de faire ceo luy mesme.

holdeth of the King, paying to him yearely a bow, a sworde, a speare, & such like, and that is but Socage in effect, but a man cannot hold in grand serieanty, or by petit serieanty but of the King. Also if a tenant by graund serieanty dyeth his heire being of full age, the heire shall pay to the King for reliefe the value of the lāds ouer the charges that he payeth to the king by graund serieantie: but hee that holdeth by Escuage shall pay for his reliefe but C. s.

Also those that bee in the Marches of Scotland, that holdeth of the king by Cornage, that is to blow an horne when the Scottes enter into England, are tenāts in grand Serieantie.

Also where a man holdeth of the King for to finde a man in his wars within the Realme, that is called graund Serieantie, for that, that it is done by a Mans bodie: And if the tenaunt cannot find a man to do it, then he is bound to do it himselfe.

And

And hee that holdeth by graund Sericantie holdeth by knights seruice, and the King shall haue warde, mariage, & reliefe, but not of them that holdeth by petit Serieantie, but the king shal not haue of thē that hold by graund serieantie Escuage, except that they hold by escuage. So they ẏ hold by graund serieantie or escuage hold by knights seruice. But one may hold by graund serieātie & not by escuage, and by Escuage & not by grañd serieantie. And the Knights seruice alwayes draweth to hym warde, mariage, and reliefe.

Et il q̄ tient per graund serieantie tient per seruice de chiualer, & le Roy auera garde, mariage, & reliefe, mes nemy de ceux que tient per petite Serieantie, mes le Roy nauera de eux que tient per graund Serieanty escuage, sinon que ils tient per Escuage. Issint ceux que tient per graund Serieantie ou Escuage tient per seruice de chiualer. Mes vn poit tener per graund Serieantie & nemy per Escuage, & per Escuage & nemy per graund Serieantie. Et le seruice de chiualer toutes foites treit a luy gard, mariage, & reliefe.

261 *Grithbrech.*

GRithbrech, that is the kings peace brokē, because (Grith) in English is Pax in Latine.

Grithbrech.

GRithbrech, hoc est pax domini Regis fracta, quia (Grith) Anglice Pax Latin.

H.

262 *Habere facias seisinam.*

HAbere facias seisinā, is a writ iudicial, & it lieth where one hath recouered certain lands in the kings court, then he shall haue

H.

Habere facias seisinam.

HAbere facias seisinam, est vn briefe iudicial, & gist lou vn ad recouer certain terres en court le Roy, donques il auera

cest

ceſt briefe direct al Vicont, luy commaundant de doner a luy ſeiſin del terre, & ne ſerra retournable.

263 *Hangwit.*

HAngwit, hoc eſt quietum eſſe de latrone ſuſpenſo ſine iudicio, vel extra cuſtodiam veſtram euaſo.

264 *Hariot.*

HAriot, eſt en deux ſorts, lun Hariot cuſtome, le auter Hariot ſeruice.

Hariot ſeruice (aſcuns dionṫ) eſt mult ſoits expreſſe en le graunt dun home on en ſon fait, que il tient per tiel ſeruice pur paier hariot al temps de ſon mort, Et ceſt Hariot eſt paiable apres le mort de le tenant en fee ſimple.

Hariot cuſtome, eſt lou Hariots ont eſte payes temps hors de memorie per cuſtome. Et ceo poit eſte apres le mort del tenãt pur vie &c. mes a parler de ceo generalment.

Hariot eſt le meliour beaſt (ſoyt al Chiual, Boef, ou Vache) que le tenant ad al temps de ſon mort. Et le Seignior poit

that writ directed to the Shtrike, commaunding him to giue him ſeiſin of that land, and it ſhall not be retournable.

Hangwit.

HAngwit, that is to be quite of a theefe or felon hanged without iudgmẽt, or eſcaped out of your cuſtodie.

Hariot.

HAriot, is in two ſorts, the one Hariot cuſtom, the other Hariot ſeruice.

Hariot ſeruice (ſome ſay) is often expreſſed in a mans graunt or deed, that hee holdeth by ſuch ſeruice to pay Hariot at the time of his death, And this Hariot is payable after the death of the tenant in fee ſimple.

Hariot cuſtõe, is where Hariots haue been paide time out of minde by cuſtome. And this may be after the death of tenant for life &c. but to ſpeake thereof generally.

Hariot is the beſt beaſt (whether it be Horſe, Oxe, or Cowe,) that the tenant had at ẏ time of his death. And the Lord may either ſeiſe,

seise, or take a distresse for it, whether it bee Hariot struice, or Hariot custome, to the Lords vse of whom the tenant held by his baylike, or other officer belonging to his manor. But of right, the Lord nor his officer should not take Hariot before it bee presented at the next court holden after the tenant is dead, and that such a beast is due to the Lord for his Hariot.

265 *Haybote or Hedgebote.*

HAybote or Hedgebote, is necessarie stuffe to make and amend hedges, which the lessee for yeares, or for life, of common right may take vpon the ground, to him leased, although it be not expressed in his lease, and although it be a lease by wordes without writting.

Haybote also may be taken for necessarie stuffe to make rakes, forkes, & such like instruments wherewith men vse in summer to tedde & make hay. And so a lessee for yeares tooke it, and it was allowed him

seise, ou prēder vn distresse pur ceo, soit il Hariot seruice, ou Hariot custome, al vse del Seignior de que le tenaunt tient per son baylife, ou auter officer de son mannor. Mes de droit le Seignior ne son officer ne doit prender Hariot deuant que il soit present al prochein court tenus apres le tenaunt est mort, & que tiel beast est due al Seignior pur son Hariot.

Haybote ou Hedgebote.

HAybote ou Hedgebote, est necessarie stuffe pur faire & amend haies, que lessee pur ans, ou pur vie, de common droit poyt prender sur le terre a luy lesse, nient obstant il ne soit expresse en son lease, & nient obstant que il soit vn lease per parols sans escript.

Haybote auxy poit estre prise pur necessarie stuf pur faire rakes, forkes, & tiels semblables instrumēts oue qux homes vsont en summer de tedder & fair feine. Et issint vn lessee pur ans prist ceo, & suit a luy allow

per

per ſon leſſor, plus toſt cõe ieo ſuppoſe, pur ceo que tiels inſtruments ſont communement fait de ſlender ſubboys, que per le common ley le leſſee pur ans poit ſuccider & prender come eſt auantdit.

by his Leſſour, the rather as I ſuppoſe for that ſuch inſtruments are commonly made of ſlender vnderwood, which by the common law ẏ leſſee for yeres may cut and take as is aforeſaid.

266 *Hidage.*

HIdage, hoc eſt quietum eſſe, ſi dominus Rex talliauerit totam terram per hidas.

Nota q̃ vn hide de terre eſt vn entier ploughland: Et ceſt kinde de taxing per hides fuit mult vſe en viel temps, ſibien pur prouiſion de armour, come payments de argent, & ceo principalment en les iours del Roy Etheldred (vn Roy en ceſt pays deuant le Conqueſt) que en le an de Chriſt 1006. quant les Danes priſter̃ land al Sandwich en Kent, taxe tout ſon terre per hides en ceſt maner, Que cheſcun 310. hides de terre doient trouer vne nieſe furniſhe, & cheſcun 8. hides doient trouer vn Iacke & vn Sallet, pur le defence del Realme.

Hidage.

HIdage, that is to be quite, if the king ſhall taxe all the land by hides.

Note that a hide of land is a whole plough land. And this kind of taxing by hides was much vſed in olde time, aſwell for prouiſion of Armour, as payments of Money, and that chiefely in K. Etheldreds dayes (a king in this Countrey before the Conqueſt) who in the yeare of Chriſt 1006. whẽ as the Danes landed at Sandwich in Kent, taxed al his land by hides thus, That euery three hundred and tenne hides of land, ſhould find one ſhip furniſhed, and euery eight hides ſhould finde one Jacke and one Sallet, for the defence of the Realme.

Hotchpot

267 *Hotchpot.*

HOtchpot, is a medling, or mixing together, and partition of landes giuen in frankmariage, with other landes in fee simple discended. As for example: a man seised of 30. acres of land in fee simple hath issue ij. daughters, and giueth with one of his daughters to a man that marrieth her x. acres of the same land in frankmariage, and dyeth seised of the other twentie acres: Now if shee that is thus married will haue any part of the twenty acres wherof her father died seised: Shee must put her landes giuen in frankmarriage in Hotchpot, that is to say, shee must refuse to take the sole profits of the land giuen in frankmarriage, and suffer the land to be commixt & mingled together with the other land wherof her father dyed seised, so that an equall deuision may bee made of the whole betweene her and her sister: And thus for her tenne acres shee shall

Hotchpot.

HOtchpot, est vn medling, ou mixing ensemble, & vn particion de terres done en frankmariage, ouesque auter terres en fee simple discendus. Come pur example: vn home seisie de 30. acres de terre en fee simple, ad issue ij. files, & done ouesque vn des ses files al vn home que luy marie 10. acres de ceo terre en frankmariage, & moruſt seisie de les auters 20. acres: Ore si el que est issint marrie voilloit auer aſcun part de les 20. acres de que son pere moruſt seisie: El doit mis ses terres done en frankmarriage en Hotchpot, ceo est adire, el doit refuſer de prender le sole profite del terre done en frankmarriage, & suffer le terre de estre commixt, & mingle ensemble ouesque le auter terre de que son pere moruſt seisie, issint que vn equall deuision poyt estre fait de lentyer perenter luy & sa soer: Et issint pur sa 10. acres, el

auera

auera xv. autermēt sa soer voit auer les 20. acres, de que lour pere morust seisie.

268 *Homage.*

HOmage, est vn service que serra fait en tiel maner, cestasçauoir, le tenant en fee simple, ou fee taile, que tient per homage genulera sur ambideux gennes discinct, & le Seigniour seera, & tiendra les maines son tenant enter ses maines, & le tenant dirā: Ieo deueigne vostre home de cest iour enauant de vie & de member, & de terraine honor, & a vous serra foyal & loyal & foy vous portera des terres que ieo claime de tener de vous, salue le foy que ieo doy a nostre Seigniour le Roy, & donques le Seigniour ilsint seant luy basera.

Mes coment Fealtie serra fait, vide deuant en Fealty.

Et le Seneschal le Seigniour poit prender fealtie, mes nemy Homage.

269 *Homage auncestrel.*

HOmage aunceſtrel, est lou vn hōe & ses auncestours de temps dont haue sixteene, else her Sister will haue the twentie acres, of which their father dyed seised.

Homage.

HOmage, is a seruice which shall be made in such maner, that is to say, the tenant in fee simple, or fee taile, that holdeth by Homage shal kneele vpon both his knees vngirded, and the Lord shall sit and shall hold the hands of his tenāt between his hands, and the tenaunt shall say: I become your man from this day forward of life & member, & of earthly honour, and to you shall be faithfull & true, and shall beare to you faith for the lands that I claim to hold of you, saving that faith that I owe to our Lord the king, & then the Lord so sitting shall kisse him.

But how Fealtie shal be done, look before in fealty.

And the Steward of the Lord may take fealtie, but not Homage.

Homage auncestrel.

HOmage aunceſtrel, is where a man and his auncestours of time out of mind,

mind, did hold their land of their Lord by homage. And if such Lord hath receiued Homage, hee is bound to acquite the tenaunt against all other Lords aboue him of euery maner seruice. And if the tenant hath done homage to his Lord, and be impleaded, and voucheth the Lord to warrantie, the Lord is bound to warrant him, and if the tenant loose, he shall recouer in value against the Lord so much of the lands as he had at the time of the voucher, or any time after. Also if a man that holdeth his land by homage auncestrel alien the land in fee, then the alienee shall do homage to his Lord, but hee shall not hold by homage auncestrel, for that the continuance of the tenancy in the the blood of the first tenant is discontinued.

memorie ne courge, ont tenus la terre del Seigniour per homage. Et si tiel Seigniour ad resceiue Homage, il est tenus de acquiter le tenaunt vers touts auters Seigniours paramount luy de chescun maner seruice. Et si le tenant ad fait homage a son Seigniour, & soit impleade & vouch le Seignior a garrantie, le Seignior est tenus de luy garranter, & si le tenant perde, il recouera en value vers son Seigniour tant des terres que il auoit al temps de la voucher, ou vnques puis. Auxy si home que tient sa terre per homage auncestrel alien le terre en fee, donques le alienee ferra Homage a son Seigniour, mes il ne tiendra per Homage auncestrel, pur ceo que le continuance del tenancy en le sank del primer tenaunt est discontinue.

270 *Homesoken.*

HOmesoken, or (Hamesoken) that is to bee quite of amerciaments for entring into houses violently & without licence,

Homesoken.

HOmesoken, (ou Hamesoken) hoc est quietum esse de amerciamentis de ingressu hospiciorum violenter & sine licentia,

&

& contra pacem domini Regis. Et qd' teneatis placita de hmodi tranſgreſſ. facta in Curia veſtra, & in terra veſtra.

and contrarie to the peace of the king. And that you hold plea of ſuch treſpaſſe done in your Court, and in your land.

271 *Homicide, ou Manſlaughter.*

HOmicide, ou Manſlaughter, eſt le occider dun home felonioufement ſans malice prepenced. Il eſt auxy define iſſint, Homicidium eſt hominis occiſio, ab homine facta. Si autem a cane, boue, vel alia re, non dicitur proprie homicidium: dicitur homicidium ab homine & cædo, quaſi hominis cædium.

Homicide, or Manſlaughter.

HOmicide, or Manſlaughter, is the killing of a man felonioully without malice forethought. It is alſo defined thus, Homicide is the killing of a man, by a man. And if ſuch killing be done by a dog, oxe, or other thing, it is not properly called homicide: for it is called homicide of a man & to kill, as the killing of a man.

272 *Hornegelde.*

HOrnegelde, hoc eſt quietum eſſe de quadã cõſuetudine exacta per tallagium p totã terrã, ſicut de qua cunq; beſtia cornuta.

Hornegelde.

HOrnegelde, that is to be quite of a certaine cuſtome exacted by tallage thorow all the land, as of whatſoeuer horne beaſt.

273 *Houſebote.*

HOuſebote, eſt neceſſarie meriſme, que le leſſee pur ans, ou pur vie, de cõmon droit poit prender ſur le terre, pur repayrer les meaſons ſur meſme le terre a luy leſſe, nient obſtant il ne ſoit expreſſe en le leaſe, & nient obſtant il

Houſebote.

HOuſebote, is neceſſarie tymber, that the leſſee for yeares, or for life, of common right may take vpon the ground, to repaire the houſes vpon the ſame ground to him leaſed, although it be not expreſſed in the leaſe, & although it be

be a leafe by word without deed. But if hee take more then is needfull, hee may be punished by an action of Waste.

274 *Hundred.*

HVndreds, were deuised by Alfred the king, after that hee had deuided the whole Realme into certaine parts or sections, which of the Saxon word Scyran, signifieng to cut, he termed Shires, or (as wee yet speake) Shares & porcions. These Shires he also deuided into smaller partes, whereof some were called Lathes, of the word Gelathian, which is to assemble together, others Tythinges, so named, because there were in each of them to the number of ten persons, whereof ech one was suertie and pledge for others good abearing: Others Hundreds, because they contayned iurisdiction ouer an hundred men or pledges, dwelling peraduenture in 2. or three, or more parishes, boroughes, or townes, lying & adioyning neuertheles somwhat nere

soit vn lease per parolx sans fait. Mes si il prist pluis que besoigne, il poyt estre punish per vn action de waste.

Hundred.

HVndreds fueront deuise per Alfred le Roy, apres que il ad deuide le entier Realme en certaine parts ou sections, le quel de le Saxon parol *Scyran*, siignificant de scinder, il terme Shires, ou (sicome nous vncore parle) Shares & porcions. Ceux Shires il auxy deuide en petites parts de queux ascuns fueront appelles Lathes, de le parol *Gelathian*, que est de assembler ensemble, auters Tythinges, issint nosme, pur ceo que la fueront en chescun de eux all number de dize persons, de que chescun fuit suertie & pledge pur auters bone behauiour: Auters Hundreds, pur ceo que ils containe iurisdiction sur vn ioo homes ou pledges, demurrant peraduenture en deux ou trois, ou plus paroches, boroughes, ou villes, esteant & adioynants nient meines ensem-

ensemble, en le quel il appoint administration de Iustice destre exercise seueralment enter eux de mesme le hundred, & nemy que lun irra hors disorderment eu lauter hundred, lath, ou tything, en que il ne demurt. Ceux hundredes continue a cest iour en force, nient obstant ne en tout al mesme le purpose, pur que al primer ils fueront ordein, vncore a ore mult necessarie & en temps de peace pur bone order de gouernement diuers voyes, & auxy en guerre pur certainetie de leuying de homes: come autrement pur le plus spedy collections de payments graunt en Parliament a les Roies & Roignes de cest Realme.

275 *Hundredum.*

HVndredum hoc est quietum esse de denarijs vel consuetudinibus faciendis præpositis & hundredarijs.

I.

276 Ideot.

IDeot, est celuy que est vn sot naturall de sa neistnre, & ne scauoit de

together, in which her appointed administration of Iustice to bee exercised severally among them of the same hundred, & not that one should runne out disorderly into anothers hundred, lath, or tything, wherein hee dwelleth or. These hundredes continue to this day in force, although not altogether to the same purpose, whereunto at the first they were appointed, yet still verie needfull, both in time of peace for good order of gouernment diuers waies, and also in warre for certainty of leuying of men: as els for the more readie collections of payments granted in Parliament to the Kings and Quenes of this Realme.

Hundredum.

HVndredum, that is to bee quitte of money or customes to be done to the gouernours and hundredors.

I.

Ideot.

IDeot, is he that is a foole naturally from his birth, and knoweth not how to accompt

account or number twenty pence, nor cannot name his father or mother, nor at what age himselfe is, or such like calls and common matters: so that it appeareth he hath no manner of understanding of reason, nor gouernment of himselfe, what is for his profit or disprofit &c. But if hee haue so much knowledge that hee can read or learne to read by instruction and information of others, or can measure an Ell of cloath, or name the dayes in the weeke, or beget a child, son, or daughter, or such like, whereby it may appeare that hee hath some light of reason: the such a one is no Ideot naturally.

accompter ou number xx. d. ne poyt nosmer son pere ou mere, ne de quel age il mesme est, ou tiel semblable plain & cõmon choses, issint que il appiert que il nad ascun maner de intendement de reason ne gouernment de luy mesme, quel est pur son profit ou disprofit &c. Mes sil ad rant intelligence que il poit lyer, ou apprender de lyer per instruction & information de auters, ou poit measure vn vlne de drap, ou nosme les iours en le semaine, ou engender vn enfaunt, fits ou file ou tiel semblable, per que il poyt appeare que il ad ascun lumen de reason; donque tiel nest Ideot naturalment.

277 *Idemptitate nominis.*

IDemptitate nominis is a writt, and it lyeth where a writ of debt, couenant, or accompt, or such other writt is brought against a man and another that hath the same name as the defendant hath is take for him, the he shal haue this writt,

Idemptitate nominis.

IDemptitate nominis, est vn brē, & gist lou brē de det, Couenant, Accompt, ou tiel semblable briefe est port vers vn home, & vn auter que ad mesme le nosme come le defendaunt ad, est pris pur luy, donq; il auera cest brē

per que le viscount fra inquirie deuaunt Iustice assigne in mesme le countie, si soit mesme le person ou nemy, & sil ne soit troue le partie donques il alez sans iour in peace.

278 *Ieofaile.*

IEofaile, est quant les parties al ascun suit en pledant ont a tant procede que il aient ioyne issue quel serra trie ou est trie per vn iurie ou enquest. Et cel pleding ou issue est cy malement plede ou ioyne que il serra errour si eux proceed: Donque ascun del distes parties poyt per lour Counsell monstreceo al Court auxibien apres verdict done & deuant iudgement, come deuant le Iurie soit charge. Le monstrans des queux defectes deuaunt le Iurie charge, furt souent quant le Iurie veign al Court de trier le issue: donques le counsell q̄l voit ceo monstrer, dirra, Ceest enquest ne doies prender, Et si soyt apres verdict, donques il poyt dire, Al iudgement ne deues aler. Et

by the which the Shirife shall make inquirie before the Iustice assigned in the same countie, if hee be the same person or not, and if hee be not found to bee the partie, then hee shall go without day in peace.

Ieofaile.

IEofaile, is when the parties to ante suite in pleading haue proceeded so far that they haue ioined issue, which shall bee tried or tryed by a Iurie or Enquest. And this pleading or issue is so badly pleded or ioyned, that it wilbe error if they proceed: Then some of the saide parties may by their counsell shew it to the Court as well after verdict giuen and before iudgement, as before the Jury be charged. The shewing of which defectes before the Iurie charged, was often when the Iurie came into the court to trie the issue: then the counsell which will shew it, shall say, This enquest ye ought not to take. And if it be after verdict, then hee may say, to iudgement you ought not to go. And

because

because by such many delayes were in suites, diuers Statutes are made to redresse them, aswel in the time of King H. the 8. th the 32. yeare cap. 30. as in the time of the Queene that now is: Whereof a man may say as the Ciuilians say, that although Constantine the Emperor commaunded the formes of the law to be cut off, yet the daylie vse of pleading doth seeme against to retain them, or rather, some of thē increase as the heades of Hidra.

pur ceo q̄ per tielx multis delayes fueront en suites, diuers statutes sont faites de redresser ceo, auxybien en temps de Roy H. le 8. Anno 32. Cap. 30. come en le temps le Roigne que ore est. De queux home poit dire come les Ciuilians dionit, quod tametsi iuris formulas amputari iusserit Constantinus Imperator, quotidianus tamen forensis vsus eas reuocasse videtur, vel potius, quod crescunt vt Hidræ capita.

279 *Vnlawfull assemblie.*

VNlawfull assemblies, is where people assemble themselues together to do some vnlawfull thing against the peace, although that they execute not their purpose indeed.

Illoyall assemblie.

ILloyall assemblie, est lou people eux assemble insimul pur fayre illoyal chose encounter le peace, nient obstant que ils ne execute lour purpose en fait.

280 *Imparlance.*

IMparlance, is when an action of debt, trespasse, or such like is brought against a man, and after that the plaintif hath counted or declared, the defendant prayeth the Court, that hee may haue time to put in his answere to

Imparlance.

IMparlance est quaunt vn action de debt, trespasse, ou tielx semblables est pott enuers vn home, & apres que le plaintife ad count ou declare, le defendaunt prie le Court que il poit auer temps de mitter eins son respons al

auter iour en meſme le terme, ou en le prochein terme, ceſt ſtay de reſpons eſt appel imparlance.

another day in the ſame terme, or in the next terme following, this ſtay of anſwere is called imparlãce.

281 *Impriſonment.*

IMpriſonment neſt auter choſe forſque le reſtraint del libertie dun home, ſoyt ceo en le ouert champs ou en le cippes, ou gage en les eſtreats, ou en le pper meaſon dun home, ſibien come en le common gaol. Et en touts ceux lieux le partie iſſint reſtraine eſt dit deſte vn priſoner, cy longement come il nad ſon liberty fraūt de ire a touts temps & leux lou il voyt, ſans bail, mainpriſe ou auter auctoritie.

Impriſonment.

IMpriſonmẽt, is no other thing, but the reſtraint of a mans libertie, whether it be in the open fields or in the ſtocks, or cage in the ſtreets, or in mãs own houſe, aſwell as in the cõmon gaole. And in al theſe places the party ſo reſtrained is ſaide to be a priſoner, ſo long as he hath not his libertie freely to goe at all times to al places whether he will, without baile or mainprize, or other authorities.

282 *Indicavit.*

INdicauit eſt vn briefe, & giſt lou debate eſt perenter deux Clerkes, en court Chriſtian dun Eſgliſe, ou part de vn Eſgliſe, pur diſmes q̄ amount al meines a le value de la quart part del Eſgliſe, & pur ceo que le patron del Clerke le defendaunt perdra ſon aduowſon, ſi le Clerke le plaintyfe, la recouera, donques il auera briefe

Indicavit.

INdicauit is a writ, & lyeth where debate is betwixt 2. Clerks in Court Chriſtian of one Church, or part of a Church, for diſmes which amounteth at the leaſt to the value of the iiij. part of the church, & for that that the patrõ of the Clerke of the def. ſhall leeſe his aduowſon, if the Clerke of the pl̃ ſhal recouer it, her ſhall haue a writ

directed

directed to the Clerke of the plaintife, or to the officers of the Court Christian, them commaunding to cease their plee, vntill it is discust in the kings court to whome the aduowson belongeth, And the Writ shalbe betweene iiij. persons, two shall be patrons & 2. shall be Clerks. But this writ is not returnable, but if they cease not their suit, hee shall haue an Attachement.

direct al Clerke le plaintif, ou al officers del Court Christian, eux commaundant de cesser de lour plee, iesques il est discusse en Court le Roy a que laduowson appent, Et cest briefe serra enter quater persons, deux serront patrõs, & deux serrõt clerks. Mes cest briefe nest returnable: mes sils ne cessont lour suit il auer vn Attachment.

283 *Infangtheefe.*

INfangthefe, that, is that theeues take within your demesne or fee conuicted of thefts, shall be iudged in your court.

Infangtheefe.

INfangtheefe, hoc est que latrones capti in dominico vel in feodo vestro de latrocinijs conuicti, in curia vestra iudicent.

284 *Information.*

INformation, for the Q. is that, which for a common person is called a declaration, and is not alwaies done directly by the Queene, or her Atturney, but rather by some other man, who sueth or informeth as well for himselfe vpon the breach of some penall law or Statute, wherein a penaltie is giuen to the partie that will sue for the same, but no

Information.

INformation p̃ le Roigne est ceo que pur vn common person est appell vn declaration, & nest touts soits fait directment per le Roigne, ou sa Atturney, mes per vn auter home, Qui tam pro domina Regina quam pro seipso sequitur, sur le breach de ascun penal ley ou statute, en que vn penaltie est done al partie que voyt suer pur ceo, mes nul

action de det pur recouer ceo, donq; il doyt este ewe per information.

285 *Instant.*

INstant, que est dist in Latine *Instans*, & define per les Logicians, *Vnum indiuisible in tempore, quod non est tempus, nec pars temporis, ad quod tamen partes temporis copulantur*, est mult consider en ley: & coment ne poet actuelment deste deuide, vncore est en consideracion & conceyt deuide & applie al seuerall purposes, sicome fueront seueral temps, de quel vide en Master *Plowdens Commentaries*: en le case enter *Fulmerstone & Stuard*, lou lestatute 31. Henry 8. que enact, que si Abbe deins an deuaunt cest Statute lessa tere al vn, que don q̄ eyt mesme terre al fern̄, pur terme de ans, donque nient expir̄, q̄ le lessee auer̄ cest terre solement p̄ vint vn ans, est expounde & la est debate que quaunt termor prent le seconde lease, il surrender son action of debt to recouer it, then it must bee had by information.

Instant.

INstant, which is saide in latine Instans, & defined by the Logicians, a thing not deuidable in time, which is not any time, nor part of time, to which yet the parts of time are cōioyned, is much cōsidered in the law, & though it cānot bee actuallie deuided, yet in ỹ consideratiō & cōceit may be deuided & aplied to seuerall purposes, as if they were seueral times, wherof see in M. Plowdēs Com. in the case betweene Fulmerstō & Stuard, where ỹ statute of 31. H. 8. which enacted, ỹ if an abbot tōk a pere before ỹ statute had letten lands to one, which at the time of ỹ making of that lease, had the seme lād to terme for a terme of peeres at the time of ỹ making of that lease not expired, that the lessee should haue that land only for 21 peeres is expounded. And there it is debated, that when ỹ termor taketh the 2. lease, he surrendereth his for-

former terme which he had before, & so at ꝑ same time at ꝑ taking of the 2. lease, the former terme was expyred, & so at one instant and time he had a former terme, and also the former terme was expyred & determined. And in the case betwene Petit & Hales, he, which killeth himselfe, till he be dead, did not cõmit felony, and when he was dead, he was not in being, so that hee might be termed a felon, but at the instant is in the law adiudged a felon. And so there be many other cases in the law, where the instãt, that is not deuideable in nature, in the consideration of the mind & vnderstanding of the sages of the law, is deuided, vpon which arise many arguments of great wit & profound iudgement.

286 *Iointenants.*

IOmtenãts be where two men come to any lands & tenements by one ioint title: As if a man giue lands to two men and to their heires.

But Tenants in com-

former terme que il auoit deuant, & sic al mesme temps del prisel del second lease, il eit vn former terme, & per le prisel del secõd leale le former terme fuit expire, & issint al vn instant & temps, il eit vn former terme, & auxy le former terme fuit expire & determine. Et en le case enter *Petit* & *Hales*, ceſtuy, que occide luy mesme, tanque soit mort, ne fesoit felonie, & quant fuit mort, ne fuit en esse, issint que poit este dit felon, mes al Instant est en ley adiudge felon. Et sont mults auters cases en ley, lou le instant temps, que est indeuisible en natur, en consideration del ment & entendemẽt del sages del ley est deuide, sur queux sarde mults argumẽts de graund ingenie & profound iudgment.

Iointenants.

IOintenãts sont lou deux homes vient a aſrun terres ou tenements per vn ioint title: Come si home done terre a deux homes & lour heires.

Mes Tenants en com-

mon

mon ſont lou ij. homes ont terres per ſeuerall titles, ou per feoffement al deux, a auer & tener lun moitie al vn & ſes heires, & lauter moitie al lauter & ſes heires, en touts ceux caſes nul de eux ſcauoit ſon ſeueral, come il ſerra dit apres.

Et nota ſi ſont deux ou trois iointenaunts, & vn ad iſſue & deuie, donques ceſtuy ou ceux iointenaunts que ſuruesque auera lentiertie per le ſuruiuor.

Mes ſi deux iointenants ſont particion enter eux p fait per agreement, donqs ils ſont ſeueral tenants.

Mes ſi vn iointenant graunt ceo que a luy appent a vn eſtranger, donques lauter iointenant & le ſtranger ſont tenants en common.

Et meſque ij. tenants en common ſont ſeiſie per my & per tout, & nul conuſt ſon ſeueral, vncore ſi vn deuie, lauter ne auera lentiertie per ſuruiuer, mes le heire de ceſtuy que deuie auera le moitie.

mon be where two men haue lands by ſeuerall tities, or by feoffement to ij. to haue & to hold the one halfe to one & his heires, & the other halfe to an other and his heires, in all theſe caſes none of them knoweth his ſeuerall, as it ſhall be ſaid after.

And note wel, if there be two or three Jointenants, and one hath iſſue & dieth, then he and thoſe iointenaunts that ouerliue ſhall haue the whole by the ſurviuer.

But if two iointenants make partitiõ betweene thẽ by deed by agreement, then they be ſeuerall tenants.

But if one iointenant grant that that belongeth to him to a ſtranger, then the other iointenant and the ſtranger be tenants in common.

And though two tenants in common be ſeiſed throughly & of the whole, and none knoweth his ſeuerall, yet if one die the other ſhall not haue the whole by the ſurviuer, but the heire of him that dyeth ſhall haue the halfe.

And

And so if there be three Iointenants, and one of them maketh a feoffment of his part to an other, & the feoffee dieth, then his heire shall haue the third part, and the other two be toint-tenants as they were, because that they two be seised by one toint title.

Also if lands be giuen to the Baron and to his wife, and the husband alieneth and dyeth, the wife shall recouer the whole: but if they were toint-nãts before the couerture, then in such case she shall recouer but the halfe.

Also if land be giuen to the husband & to his wife, and a third person, if the third person graunt that that belongeth to him, the one halfe passeth by this grant, for that, that the baron & his wife be but one person in the law, & in this case they haue nothing in right but the halfe.

Also if two Iointenants be of lands in a Towne which is Borough English, where land is deuisable, and one by his testament deuiseth that, that

Et ilsint si sont iij. Iointenants, & vn de eux fait feoffement de son part a vn auter, & le feffee deuie, donques son son heire auera le tierce part, & les auters ij. sont iointenants come ils fueront, pur ceo que eux deux sont seisies per vn ioint title.

Auxy si terre soit done al baron & sa feme, & le baron alien & deuie, le feme recouera lentiertie: Mes si ils fueront iointenants deuant le couerture, donques en tiel case el recouera forsque le moitie.

Auxy si terre soit done al baron & sa feme, & al tierce person, si le tierce person graunt ceo que a luy appent, la moitie passa per cel graunt, pur ceo que le baron & sa feme sont forsque vn person en le ley, & en cest case ils nont en droit forsque le moitie.

Auxy si deux Iointenaunts sont des terres en ville que est Borough English, lou terre est deuisable, & lun per son testament deuisa ceo que

a luy

a luy appent a vn estranger & deuie, ceſt deuiſe eſt voide, & le auter auera lentiertie per ſuruiuer, pur ceo que le deuiſe ne poit prender effect tanque apres le mort le deuiſor, & immediate apres le mort le deuiſor, le droit deuient al auter iointenant per le ſuruiuor, le quel ne claime riens per le deuiſour mes en ſon droit demeſne per le ſuruiuer. Mes auterment eſt de Parceners ſeiſies des terres deuiſables, Cauſa qua ſupra.

287 *Iointure.*

IOinture, eſt vn eſtate & aſſurance fait al vn feme en conſideration de mariage pur terme de ſa vie, ou auterment, come eſt mention en leſtatute 27. H. 8. ca. 10. ſoit il deuant ou apres le mariage: Et ſi ſoit apres le mariage, donques el poit a ſa libertie apres le mort de ſon baron refuſer de prender ou auer les terres iſſint aſſure pur ſa iointure, & demaund ſa dower al common ley: Mes ſi il ſoit fait deuaunt mariage, donques el ne poyt refuſe tiel

belongeth to him to a ſtranger and dyeth, this deuiſe is void, & the other ſhall haue the whole by ſuruiuer, for that the deuiſe may not take effect till after the death of the deuiſour, and immediate after the death of the deuiſour, the right commeth to the other iointenãt by the ſurviuer, the which claymeth nothing by the deuiſor but in his own right by the ſurviuer: But otherwiſe it is of Parceners ſeiſed of lands deuiſable, cauſa qua ſupra.

Iointure.

IOinture, is an eſtate and aſſurance made to a woman in conſideration of mariage for terme of her life, or otherwiſe, as is mencioned in the ſtatute 27. H. 8. cap. 10. whether it be before or after the mariage: And if it be after the mariage, then ſhee may at her libertie after the death of her huſband refuſe to take or haue the lands ſo aſſured for her iointure, & demaund her dower at the common law: But if it be made before mariage, then ſhee may not refuſe ſuch

ioynture, nor haue dower according to the common law, vnlesse that when she bringeth her writ of Dower, the defendant pleadeth such a plee that will not barre her of her dower, thē she shalbe endowed: As if he say in barre, that her husband was not seised of such estate whereof shee might be endowed, or any such plee, & doth not shew that shee hath a ioynture made &c. and therefore demandeth iudgemēt of that action, or iudgement if she shall be also endowed, or any such like plee &c. And this was the opinion of the right worshipful Mast. Brograue, at his Reading in Grayes Inne in Summer Aſi 1567, 18 El. vpō a branch of the ſtatute made Aſi 27. H. 8. ca. 10. concerning iointures & dowers.

And by him of those things whereof a woman may be endowed, she may haue ioynture, as of mines, vesturam terræ, woodes, Townes, Iles, meadowes, and such like. Also of an aduowson, of a reuersion depending vppon

ioynture, ne auer dower accordant al common ley, sinon que quant el port sa briefe de Dower, le defendant plede tiel plee que ne voile luy barrer de sa dower, donques el serra endowe: Sicome il dit en barre, que sa baron ne fuit seisie de tiel estate de quel el doit este endowe, ou ascun tiel plee, & ne monstre que el ad vn iointure fait &c. & pur ceo demāde iudgement de cel action, ou iudgement si el serra auxy endow, ou ascun tiel semblable plee &c. Et ceo fuit lopinion de le droit worshipfull M. Brograue, al son lecture en Grayes Inne en Summer Aſi 1567, 18. Eliz. sur vn branch del ſtatute fait Aſi 27. H. 8. ca. 10. concernant Iointures & dowers.

Et per luy de ceux choſes de que vn feme poit este endowe, el poit auer vn iointure, come de Mines, vesturam terræ, boyes, villes, Iles, meadowes, & tiels ſemblables. Item dun aduowſon, dun reuerſion dependaunt ſur

vn

vn eſtate pur vie, de vn Windmill, vn hault chamber, vn Rectorie, & tiels auters, & ils ſont appelles tenements. Item dun villein, car il eſt hereditament. Et de touts ceux profit poit vener al feme. Mes de ceux choſes de que nul profite voit vener, mes plus toſt vn charge, vn iointure ne poit eſtre fait.

an eſtate for life, of a Windmill, an high chamber, a Rectorie, and ſuch other, and they are called tenements. Alſo of a villein, for he is an hereditament. And of all theſe profite may come to the woman. But of thoſe thinges whereof no profite will come, but rather a charge, a iointure can not be made.

L.

288 *Larcenie.*

LArcenie, eſt vn torcious priſel des byens de vn auter home, mes nemy de ſon perſon, oue vn ment de eux embleer, encounter ſon volunt que biens ils fueront.

Et Larcenie eſt en deux ſorts: lun iſſint appelle ſimplement, & lauter petit Larcenie.

Le primer eſt, lou le choſe emblee exceeda le value de xij. d'. & ceo eſt felonie.

Le auter (que eſt appelle petite Larcenie) eſt lou le choſe emblee, ne exceeda le value de xij. d'. & ceo neſt felonie.

L.

Theft.

THeft, is a wrongfull taking away of an other mans goods, but not from his perſon, with a mind to ſteale them, againſt hys will whoſe goods they were.

And theft is in two ſorts, the one ſo called ſimple, and the other petit or little theft.

The firſt is where the thing ſtolen exceedeth the value of xij. d. and that is felonie.

The other (which is called little or petite theft) is where the thing ſtolen doeth not exceed the value of xij. d. & that is no felonie.

Laſtage

289 *Lastage.*

LAstage, that is to bee quite of a certaine custome exacted in Faires & Markets for carrying of things where a man will.

290 *Leases.*

LEases, be graunts or demises by one which hath any estate in any hereditaments of those hereditaments to an other for a lesser time, and they be in diuers maners, that is to say, for terme of life, for terme of yeares, for terme of an others life, & at wil.

Also a lease of land is as good without deede as with deede.

But in a lease for terme of life, it behoueth to giue liuerie and seisin vpon the land, or else nothing shall passe by the grant, because that they bee called freeholdes.

Also a lease of a common or rent, may not be good without deede.

But of a Parsonage which hath glebe, it is good inough deed, for that that the gleb of the church which is the principall, may passe well inough

Lastage.

LAstage, hoc est quietum esse de quadam consuetudine exacta in Nundinis & Mercatis pro rebus cariandis vbi homo vult.

Leases.

LEases, sont graunts ou demises per vn que ad ascun estate en hereditaments de ceux hereditaméts al auter pur meinder temps, & ceo sont en diuers maners, cestascauoir, pur terme de vie, pur terme de ans, pur terme dauter vie, & a volunt.

Auxy vn lease de terre est auxy bone sans fait come per fait.

Mes en lease pur terme de vie, il couient de doner liuerie & seisin sur le terre, ou auterment riens passera per le graunt, pur ceo que ils sont appelles franktenements.

Auxy vn leas de vn common ou rent, ne poit este bone sans fait.

Mes de vn Parsonage que ad glebe, il est bone sans fait, pur ceo que le glebe de le Esglise que est le principal, poit assets bien passer sans

sans fait, & isint les dismes & offeringes que sont come accessarie al Esglise.

Mes dismes & offerings per soy, ne poyent este lesses sans fait, vt dicitur.

291 *Lessor & Lessee.*

LEssor, est celuy que lessa terres ou tenements al auter pur terme de vie, ans, ou al volunt: Et celuy a que le lease est fait, est appelle Lessee.

292 *Lewant & Couchant.*

LEuant & Couchant, est dit, quant les beastes ou cattell dun estranger sont venue en le terre dun auter home, & la ont remaine vn certeine bone space de temps.

293 *Ley.*

LEy, est quant action de Dette est port vers vn sur ascun secret agreement ou contract ew perenter les parties sans especialtie monstre, ou auter matter de record: come en vn action de Detinue pur ascun biens ou chattels acōmada ou relinque oue le defendant, donques le defendant poit gager son ley, sil voile, cestascauoir, de

without deede, and so the dismes & offerings which bee as accessarie to the Church.

But dismes & offerings by them selfe may not be let without deed, as it is said.

Lessor & Lessee.

LEssor, is he that letteth lands or tenements to an other for terme of life, yeares, or at will: And he to whom the leas is made, is called Lessee.

Lewant & Couchant.

LEuant & Couchant, is said, when the beastes or cattell of a stranger are come into an other mans ground, and there haue remained a certaine good space of time.

Ley.

LEy, is when an action of debt is brought against one vpon some secret agreement or contract had between the parties without especialtie shewed, or other matter of record: as in an action of Detinue for some goods or chatteis lent or left with the defendant, then the defendant may wage his law, if he will, that is to say, to

swere

sweare vpon a booke, and certain persons with him, that hee detaineth not the goods, or oweth nothing to the plaintife in maner e forme as he hath declared.

And it is allowed onlie in cases of secrecie, where the plaintife cannot proue the surmise of his suite by any deede or open act: or the defendant might discharge it priuily betweene them without any writing of acquitance, or publike act: And therefore in an action of debt vpon a lease for terme of yeares, or vpon arrerages of accompt before auditors assigned a mã shal not wage his law.

But whē one shal wage his law, he shal bring with him iij. viij. or xij. of his neighbors, as the Court shal assigne him, to sweare with him, much like vnto the oath which they make which are vsed in the Ciuill law, to purge others of any crime laied against them, which are called cōpurgators.

Note that the offer to make the oath is called wager of law, and when

iurer sur vn Licur, & certaine persons oue luy, que il ne deteina les biens, ou doit rems al plaintife en maner & forme come il ad declare.

Et ceſt allow ſolement en caſes de ſecrecie, ou le plaintife ne poit prouer le ſurmiſe de ſon ſuit per aſcun fait, ou ouert act: ou le defendant poit ceo diſcharge ſecretment perenter eux ſans aſcun eſcript de acquitance, ou publique act: Et pur ceo en action de Dette ſur vn leaſe pur terme dans, ou ſur arrerages de accompt deuaunt Auditors aſſigne, home ne gagera ſon ley.

Mes quant vn gagera ſon ley, il ameſnera oueſque luy vj viij. ou xij. de ſes vicines, come le Court luy aſſignera, de iurer oueſque luy, mult ſemble al ſerem̄t que eux feſoient que ſont vſes en le Ciuil ley, de purger auters de aſcun crime al eux impute, que ſont appelle conpurgators.

Nota que le offer de faire le ſerement eſt appel le gager del ley, & quant

il eſt accompliſh, donques eſt appelle, le ſeſans del ley,

Et auxy ſi le Vicount en aſcun action returne que il eit ſummon le defendaunt de appearer en Court a aſcun iour a reſponder le plaintife, a quel iour il fait default, proceſſe ſerra agarde vers luy de vener & ſaue, ou excuſe ſon default: que eſt a tant a dire, come purgare moram, ou autrement de perder le choſe demaund: Et donques le defendaunt vient & voit iurer que il ne ſuit ſummon, qne eſt appelle gager de ley, donques il doit ceo faire al iour aſſigne one xij. auters, Et en ſeſaunt del ley il doyt ſur ſon ſerement affirmer directment al contrarie de ceo que eſt impute a luy, Mes le auters ne dirra, mes que eux entende que il dit le veritie.

it is accompliſhed, then is it called, the doing of your law.

And alſo if the Shirife in any action returne that he hath ſummoned the defendant to appere in court at any day, to anſwere the plaintife, at which day he maketh default, proceſſe ſhall bee awarded againſt him to come & ſaue, or excuſe his default: which is as much to ſay, as to excuſe the delay, or otherwiſe to looſe the thing demaunded: And then the defendant commeth & will ſweer that hee was not ſummoned, which is called waging of law, then he ought to doe it at the day aſſigned with xij. others, And in doing of his Law hee ought vpō his oth affirme directly the cōtrary of that which is imputed to him, But the others ſhall not ſay, but that they thinke that he ſayeth the truth.

294 *Libertate probanda.*

LIbertate probanda, vide de ceo en le title de Natiuo habendo.

Libertate probanda.

LIbertate probanda, look for that in the title of Natiuo habendo.

296 *Limi-*

295 *Limitation.*

LImitatiõ is an assignement of a space or time, within which, he that will sue for any landes or hereditaments, ought to proue that hee or his auncestor was seised of the thing demaunded, or otherwise hee shall not maintaine his suite or action, which assignments bee made by diuers statutes, whereof the last was an. 32. H. 8. C. 2.

296 *Liuerie of seisin.*

LIuerie of seisin, is a ceremony vsed in conueyance of landes or tenemẽts where an estate in fee simple, fee taile, or a freehold shal passe: and it is a testimoniall of the willing departing by him who makes the liuerie from the thing whereof liuerie is made: And the receiuing of the liuery, is a willing acceptãce by the other partie, of all that whereof the other hath dismissed himselfe: And was inuented as an open and notorious thing, by meanes whereof the common people might haue knowledge of the passing or alteration

Limitation.

LImitation est vn assignmẽt de space ou temps, deins quel, cestuy, que voile suer pur ascuns terres ou hereditaments, doit prouer que il ou son auncester fuit seisi del chose demaund, ou autrement ne maintenera son suite ou action, quel assignements sont faites per diuers statutes, darreinment per 32. H. 8. cap. 2.

Liuerie de seisin.

LIuerie de seisin, est vn ceremonie vse en conueyance de terres ou tenements lou vn estate en fee simple, fee tayle, ou vn franktenement passera: Et il est vn tesmoigne de le voluntarie departing per luy que fait le liuerie del chose de que liuery est fait: Et le resceit del liuerie est vn voluntarie acceptance per le auter partie, de tout ceo de que auter ad luy dismisse. Et fuit *inuent* come vn ouert & notorious chose per meanes de que le common people poyent auer intelligence de passing ou alteration

de estates de home al hõe, que per ceo ils poient estre le meliour able pur trier en que le droit & possession de terres & tenements fueront, sils doyent estre impanel & iures, ou autrem̃t ont a faire concernant ceo.

of estates from mã to mã, that thereby they might be the better able to trie in whom the right an possession of landes and tenements were, if they should be impaneled in Juries, or otherwise haue to doe concerning the same.

Le common manner de liuerie de seysin, est en ceste sort fait: Si il sont en le ouert champ ou ne sont edifices, ou meason, dõques vn que poyt lyer priſt le fait en son maine, si lestate passera per fait, & declare al eux que ils sont, le cause de lour vener la ensemble, & dõques ouertment lya le fait, ou declare le effect de ceo en Engloys, & apres que il est seale le partie que est a departer oue le terre, priſt le fait en ses mains ensemble oueſque vn clodde del terre, & vn twigge ou bow, sil y ad ascun la, & tout ceo il deliuer al auter partie, en le noſme de possession ou seysin accordaunt al fourme & effect del fayt, que de-

The common maner of deliuerie of seisin is after this sort done: If it bee in the open field where is no building or house, then one that can reade taketh the writing in his hand, if the estate shall passe by deed, and declareth to the standers by the cause of their meeting there together &c. & then openly readeth the deed, or declare ẽ effect thereof in English, & after that it is sealed, the partie who is to depart from the ground, taketh ẽ deed in his hands together with a clodde of the earth, and a twigge or bough if any be there, and all this hee deliuereth to the other partie in the name of possession or seysin, according to the forme & effecte of the deede which before them

them was there read or declared. But if there bee a dwelling house or building vpon the land, then this is done there at the doore of the same, none being left at that time within the house, and the partie deliuereth all the aforesaide together with the ring of the doore in the name of seisin or possession, and he that receiueth the liuerie entreth in first alone, and shutteth too the doore, and presently openeth it again, and letteth them in &c. If it be of a house whereto is no land or ground, the liuerie is made, and possession taken by the deliuerie of the ring of the doore and deed only. And where it is without deede either of landes or tenementes, there the partie declareth by word of mouth before witnesse the estate that hee meaneth to depart with, and then deliuereth seisin or possession in manner as is before saide: and so the land or tenemēt doth passe as well where there is no deed, as by deed, & that by force of the liuery of seisin:

uant eux fuit la lye ou declare. Mes sil soit vn habitation ou edifice sur le terre, donques ceo est fait la a le doore del ceo, nul esteant relinguish a cest temps deins le meason, & le partie deliuer tout les auauntdits ensemble ouesque le annell del doore en nosme de seysin ou possession, & ill que receyua le liuerie entra primes sole, & shutta le doore, & presentment ouert ceo, & lessa eux eins &c. Sil soyt de vn meason a que est nul terre, le liuerie est fayt & possession pryse per le deliuerie del annell de le doore & fayt solement. Et ou il est launs fayt de terres ou tenementes, la le partie declare per parol deuaunt tesmoignes, le estate ouesque il entende de departer, & donques deliuer seisine ou possession en manner come est auauntdit: & issint le terre ou tenement passera sibyen lou il nad fayt, come per fayt, & ceo per force del liuerie de seysine:

Il ſuit agree en Grayes Inne per le droyt Worſhipfull Maiſter Snagge, al ſon lecture la en ſommer Anno. 1574. que ſi vn feoffour deliuer le fait en view del terre, en noſme de ſeiſin, que il eſt bone, pur ceo que il ſad vn poſſeſſion en luy meſme. Mes autrement eſt dun Atturney, car il doyt aler al terre, & priſe poſſeſſion luy meſme, deuaunt que il poyt doner poſſeſſion al auter, accordant al parolx de ſon garrant &c. Et lou liuerie de ſeiſin eſt per le view, ſi le feoffee ne entra pas puis &c. nul choſe paſſa, car il doyt enter en fait.

It was agreed in Graies Inne by the right Worſhipfull M. Snagge, at his reading there in ſummer Anno. 1574. that if a feoffor deliuer the deede in view of the land, in name of ſeiſin that it is good, becauſe that hee hath a poſſeſſion in himſelfe. But otherwiſe it is of an Atturney, for hee muſt goe to the land, and take poſſeſſion himſelfe, before that he can giue poſſeſſion to another, according to the words of his warrant &c. And where liuerie of ſeiſin is by view, if the feoffee doe not enter after &c. nothing paſſeth, for he ought to enter indeed.

297 *Lotherwit.*

LOtherwit, hoc eſt quod capiatis emendas ab ipſo qui corrumpit veſtram natiuam ſine licentiâ veſtra.

Lotherwite.

LOtherwite, that is that you may take amendes of him which doth defile your bondwomã without your licence.

M.

298 *Mahim ou Maime.*

MAhim, eſt lou per le torcius act dauter, aſcun member eſt dampnifie ou tolle, per que le partie iſſint dampnifie eſt fayt

M.

Mahim or Maime.

MAhim, is where by the wrongfull act of another, any member is hurt or taken away, whereby the partie ſo hurt is made vnperfect

vnperfect to fight: As if a bone bee taken out of the head: or a bone be broken in any other part of the body: or a foote, or hand, or finger, or ioint of a foot, or any member bee cut: or by some wound the sinnewes bee made to shrinke or other member, or the fingers made crooked, or if any eye be put out, or the foreteeth broken, or any other thing hurt in a mans body, by meanes whereof hee is made the lesse able to defend himself or offend his enimie.

But the cutting off of an eare or nose, or breaking of the hinder teeth, or such like, is no mahim, because it is rather a deformitie of the body, then diminishing of strength, and that is commonlie tried by beholding the partie by the Iustices. And if the Iustices stand in doubt whether the hurt bee a Mahim or not, they vse and will of their great discreation take the helpe and opinion of some skilfull Surgeon, to consider

imperfect a combat: Come si vn osse soyt prise hors del test: ou vn osse soit debruse en ascun auter part del corps, ou vn pee, ou maine, ou digit, ou ioint dun pee, ou ascun member soyt scie: ou p asc' plague les nerues sont fait de shrinker, ou auter member, ou les digits fait curue, ou si vn oyle soyt mise hors, ou les anterior dentes debruse, ou ascun auter chose en le corps dun home, per reason dequel il est fayt le le meins able pur defender luy mesme, ou offend son enemy.

Mes le scier dun de vn orial, ou nase, ou lenfrend del dents moliers, ou tiels semblables nest asc' Maihem, pur ceo q̄ il est pluis vn deformitie de le corps, que vn defect del strength, & ceo est communement try per le inspection del partie per les Iustices. Et si les Iustices sont ē doubt si le dam soyt vn Maihem ou nemy, ils vse, & voylent de lour graunde discretion prender le ayde & opinion de ascun erudite Surgion, p̄ consider

de ceo deuant que ils determine ſur le caſe.

299 *Mainpriſe.*

MAinpriſe, eſt quant vn home eſt arreſt p Capias, dono les Iudges poyent deliuer ſon corps a certaine homes pur garder & de luy ameſner deuant eux a certain iour, & ceux ſont appels mainpernors, & ſi le party ne appeare al iour aſſignes, le mainpernors ſerrõt amercie.

300 *Mannour.*

MAnnour, eſt vn choſe compound de diuers choſes, come de vn meaſon, terre arrable, paſture, pree, boys, rent, aduowſon, Court baron, & tiel ſemblable queux font vn manor. Et ceo doit eſte p ancient cõtinuance de tẽps, cuius contrariũ memoria hominum non exiſtit: car a ceo iour vn mannor ne poit eſte fait pur ceo q̃ vn Court baron ne poit eſtre fait a ore, & vn mannor ne poit eſtre ſans vn Court baro & ſuiters ou frankte-nants, deux al meines, car ſi toutes les franktenements forſque vn eſcheate

thereof, before they determine vpon the caſe.

Mainpriſe.

MAinpriſe, is whẽ a mã is arreſted by Capias, then the Iudges may deliuer his bodie to certaine men for to keepe and to bring him before them, at a certaine day, and theſe be called *mainpernours*, & if the partie appeare not at the day aſſigned, the mainpernours ſhall bee amerced.

Mannour.

MAnnour, is a thinge compounde of diuers things, as of a houſe, land arrable, Paſture, Meadow, wood, rent, Aduowſon, Court baron, & ſuch like which make a mãnor: And this ought to bee by long continuance of time, to y̆ contrary, wherof mãs memorie cannot diſcerne: for at this day a Mannor cannot bee made, becauſe a Court Baron, cannot now bee made, & a Mannour cannot be without a Court Baron, and ſuiters or frecholders, two at the leaſt, for if all the freeholders except one eſcheate

to

to the Lord, or if he purchase all except one, there his manor is gon, for that it cannot be a manor with out a court Baron (as is aforesaid.) And a Court Baron cannot be holden but before suters, and not before one suter, & therfore where but one freehold or freeholder is, there cannot be a manor properly, although in common speech it may be called a manor.

301 *Manumission.*

MAnumission, is the making of a bondman to be a freeman, & may be in two sorts, the one is a manumission expressed, the other a manumission implyed or secrete.

Manumission expressed is when the Lord maketh a deed to his villein to infranchise him by this word (Manumittere) which is as much to say, as to let one goe out of an other mans hands or power.

The maner of Manumitting or infranchising in olde time most usually was thus: The Lord (in presence of his neyghbors) tooke the bondman al Seignior, ou sil purchase tout preter vn, la son manor est ale, pur ceo que il ne poit estre vn manour sans vn court Baron (come auantdit.) Et vn Court Baron ne poit este tenus mes deuaunt suters, & nemy deuant vn suter, & ideo lou forsq; vn franktenement ou franktenant est, la ne poit este manor propermt, coment en common parlans ceo poit estre appelle vn manor.

Manumission.

MAnumission, est le sesans dun que est villein destre franke, & puit estre en deux sorts, le vn est vn manumissiõ explicita, lautr vn manumissiõ implicita.

Manumission explicita est quant le Seigniour fait vn fait al son villein pur luy enfranchiser per cest parol (Manumittere) quod idem est, quod extra manum, vel extra potestatem alterius ponere.

Le manner de Manumitting ou enfranchising en temps passe plus visualment fuit isint: Le Seigniour (en presence de ses vicines) prist le villeine per

per le test disant, Ieo voile que cest home soit frank, & oue ceo il luy mise auant hors de ses maines, & per ceo il fuit frank sans ascun pluis faire.

Manumission implicita sans cest parol (Manumittere) est quant le Seigniour fait vn obligation a son villeine a payer a luy money al vn certaine iour, ou luy sue lou il poit enter sans sunt, ou graunta al son villeine vn annuitie, ou lessa terre a lay per fait pur ans, ou pur vie, & en diuers tiels semblables cases, le villeine per ceo est fait franke.

by the head saying, I will that this man be free, and therewith shoued him forward out of his handes, & by this he was free without more a doe.

Manumission implied without this word (Manumittere) is when the Lord maketh an obligation to his villeine to pay him money at a certaine day, or sueth him where he might enter without suit, or graunteth vnto his villein an annuitie, or leaseth land to him by deede for yeares, or for like, & in diuers such like cases, ỹ villein therby is made free.

MAximes sont les foundations del ley, & les conclusions de reason, & sont causes efficient & certaine vniuersal propositions, cy sure & perfect que ils ne poyent este a ascun temps impeche ou impugne, mes doyent touts foits este obserue & tenus come fort principles & aucthorities de luy mesme, nient obstant

MAximes be the foundations of the law, and the conclusions of reason, and are causes efficient, and certaine vniuersall propositions so sure and perfect, that they may not be at any time impeached or impugned, but ought alwayes to bee obserued & holden as strong principles and aucthorities of them selues, although they

they cannot bee proued by force of argument or demonstrations logical, but are knowen by induction by the way of sence and memorie: As for example, it is a Maxime, that if a man haue issue two sonnes by diuers women, and the one of them purchase landes in fee and dyeth without issue, the other brother shall neuer be his heire &c.

Also it is an other Maxime, that lands shall discend from the father to the sonne, but not from the sonne to the father, for that is an ascention &c. And diuers like there be, whereof see more in the Doctor and Student.

303 *Maynour.*

MAynour, is when a theefe hath stollen, and is followed with hue and crie & taken, hauing that found about him which he stole, that is called the maynour. And so we commonly vse to say, when we find one doing of an vnlawfull act, that we tooke him with the maynour, or manner.

ils ne poyent este proue per force de argument ou demonstration logical, mes sont conus per induction per le voy de sence & memorie: Come pur example, il est vn Maxime, que si vn home ad issue deux fites per diuers venters, & le vn de eux purchase terres en fee & morust sans issue, lauter fits ne vnques serra son heire &c.

Item il est vn auter Maxime, que terres discendera del pere al fits, mes nemy del fits al pere, car ceo est vn ascention &c. Et diuers tiels semblables il y ad, dont vejes plus en le *Doctor and Studient.*

Maynour.

MAynour, est quant vn laron ad emblee, & est pursue oue hue & crie & prise, ayant ceo troue oues q; luy q̄ il ad emblee, ceo est appell' le maynour. Et issint nous commune-ment vse pur dire quant nous trouomus vn felant de vn illoyal act, que nous luy prist oues que le Maynour, ou manner.

Main-

304 *Maintenance.*

MAintenance, eſt lou aſcun home done ou deliuer a vn auter que eſt plaintife ou defendant en aſcun action, aſcun ſumme dargent, ou auter choſe pur mainteiner ſon plee, ou fait extreame labour pur luy quant il nad riens a ceo faire, donques lauter partie greene auera vers luy vn briefe appelle briefe de Maintenance.

Maintenance.

MAintenance, is when any man giueth or deliuereth to an other that is plaintife or defendant in any action, any ſumme of woney, or other thing to maintain his plee, or els maketh extreame labor for him when he hath nothing therewith to doe, then the party grieued ſhall haue againſt him a writ called a writ of Maintenance.

305 *Meſne.*

MEſne, eſt lou le owner del terres ou tenemẽts ceux teigne de vn per certeine ſeruices, & il ceux tenoit de vn auter per autiels ou auter ſeruices, la ceſtuy que tient les terres eſt appell' tenãt paravaile, & ceſtuy de que il teigne eſt appelle meſne, & ceſtuy de que le meſne tenoit eſt appelle Seignior paramount. Et en ceſt caſe ſi le Seignior paramount diſtraine le tenant pur les ſeruice le meſne que luy doit acquite al ſeigniour paramount, donques le tenant auer vn briefe vers le Meſne, que eſt appell' briefe de

Meſne.

MEſne, is where the owner of landes or tenements holdeth of one by certaine ſeruices, and he holdeth them of an other by like or other ſeruices, then he which holdeth the lands is called tenãt paravaile, and he of whom it is held is called Meſne, & he of whom the Meſne holdeth, is called chiefe Lord. And in this caſe if the lord aboue diſtraineth the tenant for the ſeruice of the meſne, which ought to acquit him to ẽ lord aboue, then the tenant ſhal haue a writ againſt the Meſne, which is called a writ of

Meſne

Meſne, & if he come not to acquit the tenant, then the Meſne ſhal loſe the ſeruice of the tenãt, & ſhal be forejudged of his ſeigniorie, & the tenant ſhall be tenant immediate to ỹ chief Lord, and ſhall doe the ſame ſeruice & ſuits as the Meſne did to the Lord.

Meſne, & ſi il ne vient pur acquiter le tenant, donque le Meſne perdra le ſeruice le tenant, & ſerra foriudge de ſon ſeigniorie, & le tenant ſerra tenãt immediat al chiefe Seigniour, & ſerra meſmes les ſeruices & ſutes come le Meſne fiſt al Seigniour.

306 *Miſpriſion.*

MIſpriſion, is when one knoweth that an other hath committed treaſon or felony, and will not diſcouer him to the Queene, or to the Counſell, or to any Magiſtrate, but doth conceal ỹ ſame. Diuers other offences be called miſpriſion: as when a Chapleyn had fixed an old ſeale of a Patent, to a new patent of Nonreſidence, and this was holden to be Miſpriſion of Treaſon only, and no counterfayting of the Queenes ſeale.

Alſo if a man know money to be counterfait, and bring the ſame out of Ireland hyther into England, and vtter it in payment, this is but Miſpri-

Miſpriſion.

MIſpriſion, eſt quant aſcun ſciet que vn auter ad fait Treaſon ou Felonie, & il ne voile luy diſcouer al Roigne, ou ſa Counſell, ou a aſcun Magiſtrate, eins conceala ſon offence. Diuers auters offences ſont appelle miſpriſion: ſicome vn Chapleine ad fixe vn auncient ſeale dun Patent, a vn nouel patent de Non reſidence, & ceo fuit tenus deſte miſpriſion de treaſon tantum, & nul counterfaiter del ſeale del Roigne.

Item, ſi vn auter ſciet money deſtre faux, & port ceo hors de Irelande en Engleterre, & vtter ceo en payment, ceo eſt forſque Miſpri-

ſion

sion of Treason, & nemy Treason, & isint est en diuers tiels semblable cases.

Et en tours cases de Misprision de Treason, le partie offendour forfaitera ses biens a tours iours, & les profites de ses terres pur terme de son vie, & son corps al prison, al pleasure del Roigne.

Et pur Misprision de felonie ou trespasse, le offendour serra commit al prison, tanq; il ad troue suerties ou pledges pur son fine, que serra assesse per le discretion de les Iusticces deuant que il fuit conuict.

Et nota, que en chescun Treason ou felonie, est include Misprision, & lou ascun ad fait Treason ou Felonie, le Roigne poit causer luy deste indicte & arraigne forsque de Misprision solement sil voyle. Vide plus de ceo Stamf. lib. 1.

307 *Monstrance de faits ou Recordes.*

MOnstrance de faits ou Recordes, est, sicõe pur example, vn action de det

sion of Treason, and nemy Treason, and so it is in diuers such like cases.

And in all cases of Misprision of Treason, the party offendor shall forfeit his goods for euer, & the profits of his landes for terme of his life, & his body to prison at the Queenes pleasure.

And for Misprision of felonie or trespasse, the offendour shalbe committed to prison, vntill he haue found suerties or pledges for his fine, which shall be assessed by the discretion of the Iustices before whom he was conuict.

And note, that in euery Treason or felonie is included Misprisiõ, & where any hath committed treason or felony, the Queene may cause the same to be indicted & arraigned but of Misprision only if she will. See more hereof Stamford his first booke.

Shewing of deedes or Recordes.

SHewing of deeds or Recordes, is, as if for example, an action of debt

be

be brought against one vpon an obligatiō by one, or by executors &c. there after that the plaintif hath declared, he ought to shew his obligation, & the executor the testament to the court, & so it is of recordes.

And the diuersitie betweene shewing of deedes or recordes, & hearing of deeds or records, is thus: he that pleades the deedes or record, or declares vpon it, to him it doth appertain to shew the same. And the other against whom such deed or record is pleded or declared, & is thereby to be charged, may demand hearing of the same deede or record, which his aduersary bringeth, or pleadeth against him.

308 *Mortdaunceſter.*

MOrtdaunceſter, Looke for that before in the title Cosinage.

309 *Monſtrauerunt.*

MOnſtrauerūt, is a writ, and it lyeth for the tenants in auncīēt demeſne, and is directed vnto the Lord, him commaunding that he diſtrain not his tenant for to do other ſeruice ſoit port enuers vn ſur vn obligation per vn, ou per executors &c. la apres que le plaintife ad declare, il doit monſtre ſon obligation, & le executor le teſtament al Court, & iſsint eſt de Recordes.

Et le diuerſitie perenter Monſtrance de faites ou recordes, & oyer de faites ou recordes, eſt iſsint: il que plede le fait ou record, ou declare ſur ceo, a luy il appertaine de monſtre ceo. Et lauter vers que tiel fait ou record eſt plede ou declare, & eſt per ceo deſte charge, poit demand oyer de ceo fait ou record, que ſon aduerſarie port, ou plede vers luy.

Mortdaunceſter.

MOrtdaunceſter, vide de ceo deuant en le title Cosinage.

Monſtrauerunt.

MOnſtrauerunt, eſt vn briefe, & giſt pur le tenant en auncient demeſne, & eſt direct al Seigniour, luy commaundant que il ne diſtraine ſon tenant pur faire auter ſeruice

que

que faire ne duissoit, & ils poyent auer ceſt briefe direct al vicont, que il ne suffer le Seignior a distrainer les dits tenants pur faire auter seruice.

Auxy si les tenants ne poyent este en quiet, ils poyent auer vn Attachmēt vers le Seignior dappearer deuāt les Iustices, & touts les nosmes des tenants serront mise en le bꝛe, coment que sorsq; vn de eux soit greue solement.

Auxy si ascun terre en auncient demesne soit en variance enter les tenants, donques le tenant issint greue auera vers auter briefe quod vocatur Droit close secundum consuetudinem manerij, & ceo serra touts foits port en le court le Seignior, & surceo il countera en le nature de quel briefe il voit, come son case gist, & ceſt briefe ne serra remoue sinon pur graund cause ou non power de le Court.

Auxy si le Seignior en auter lieu hors de auncient demesne distraine son tenāt de faire auter seruice that he ought not to do, & they may haue this writ directed to the shirife, that he suffer not the Lord to distraine the said tenants for to do other seruice.

Also if the tenants cannot be in quiet, they may haue an Attachment against the Lord to appear before the Iustices, and all the names of the tenants shall be put in that writ, though but one of them be greeued onely.

Also if any landes in auncient demesne be in variance betweene the tenants, then the tenant so greeued shal haue against the other a writ which is called of Right close after the custome of the manor, and that shall be alway brought in the Lordes court, and thereupon he shall declare in the nature of what writ he will, as his case seeth, and this writ shall not be remoued but for a great cause or no power of the Court.

Also if the Lord in an other place out of auncient demesne distraine his tenant to do other seruice then

then he ought, he that haue a writ of right, called Ne iniuste vexes, and it is a writ of right patent which shall be tried by battell or graund assise.

que il ne doit, il auera brief de droit, appelle Ne iniuste vexes, & cest vn brief de droyt patent que serra trie per battell ou graund assise.

110 *Mortgage, or Morgage.*

Mortgage ou Morgage.

MOrtgage, or Morgage is when a man maketh a feoffement to an other on such condition, that if the feoffor pay to the feoffee at a certaine day xl. li. of money, that then the feoffor may reenter &c. in this case the feoffee is called tenant in Mortgage. And as a man may make a feoffement in fee in morgage, so he may make a gift in taile, or a lease for terme of life, or for terme of yeeres in Mortgage. And it seemeth that the cause why it is called Mortgage, is for that it standeth in doubt, whether the feoffor will pay the money at the day appointed or not, and if he faile to pay, then the land which he laid in gage vpon condition of payment of the money, is gone from him

MOrtgage, ou Morgage est quaunt vn fait vn feoffement a vn auter sur tiel condition, que si le feoffour paya al feoffee a certain iour xl. li. dargent, que a donques le feoffour poyt reenter &c. en ceo case le feoffee est appel tenant en Morgage. Et si come vn home poyt faire feoffement en fee en morgage, issint il poyt fayre done en le taile, ou lease pur terme de vie, ou pur terme dans en Morgage. Et il semble que la cause pur que il est appel Mortgage, est pur ceo que il estoit en awerouſt, si le feoffour voyle payer al iour limitte le argent ou non, & si il ne paya pas, donques le terre que il mist en gage sur conditition de paiment de le money, est ale de luy

a touts iours, & iſſint mort a luy ſur condition: mes ſi il paira le money, donques eſt le gage mort quant a le tenaunt, ceſtaſcauoir, le feoffee, & pur ceſt cauſe il eſt appel en Latin, Mortuum vadium, come Maiſter Littleton dit, ou mortuum vas, come ieo penſe.

Auxy ſi feoffement ſoyt fayt en Morgage ſur condition, que ſi le feoffour paya tiel ſumme a tiel iour &c. & le feoffor moruſt deuant le iour, vncore ſil heire le feoffor paia meſme le ſumme a meſme le iour al feoffee, & le feoffee ceo refuſa, donques le heire le feoffour poit enter: Mes en tiel caſe, ſi ne ſoit aſcun iour de payment expreſſe, donques tiel tender del heire eſt voide, pur ceo que quant le feoffor moruſt, le temps del tender eſt paſſe, ou autrement les heires le feoffor aueront temps del tender a touts iours, que ſerra inconuenient, que vn auera vn fee ſimple a luy & a ſes heires queſerra defeſible touts foits a le pleaſure & volunt de autres,

for euer, & ſo dead to him vpon condition: but if he pay the money, then is the gage dead as to the tenãt, that is to ſay, the feoffee, and for this cauſe it is called in latin, Mortuum vadium, as M. Littleton ſaith, or rather mortuum vas, as I thinke.

Alſo if a feoffement be made in Morgage vpon condition, that if the feffor pay ſuch a ſumme at ſuch a day &c. and the feoffor die before the day, yet if the heire of the feoffor pay the ſame ſum at the ſame day to the feoffee, and the feoffee refuſeth it, then the heire of the feoffor may enter: But in ſuch a caſe, if there be no day of payment expreſſed, then ſuch tender of the heire is voide, ſay that that when the feoffor dieth, the time of tender is paſt, or otherwiſe the heirs of the feoffor ſhall haue time of the tender for euer, which ſhall be inconuenient, that one ſhall haue a fee ſimple to him and to his heires which ſhall be defeſible alwaies at the pleaſure & will of others,

but

but in ꝑ firſt caſe the time of tender was not expired by the death of the feoffor.

mes en le primer caſe le temps del tender ne fuit expire ꝑ la mort le feffor.

Moderata miſericordia.

MOderata miſericordia, is a Writ, and it ſpeth where a man is amerced in court Baron or countie more then hee ought to be, the he ſhall haue this writ directed to the Shirife if it be in the county or to the bailife if it be in the Court baron, commanding them that they amerce him not, but hauing regard to the quantitie of the treſpaſſe, & if they doe not vpon this Writ, then ſhall goe forth againſt them, a ſicut alias, & Cauſam nobis ſignifices, and after that an attache-

Moderata miſericordia.

MOderata miſericordia, eſt vn briefe & giſt lou home eſt amercy en court Baron ou Countie plus que deuer eſte, donques il auer ceſt briefe directe al Vicount ſi ſoyt en countie ou al bailife ſi ſoyt en Court Baron, eux commãdant que ils ne luy amerciont, mes eient regarde al quantitie de treſpas, & ſils ne font ſur cel briefe, donques iſſera vers eux vn ſicut alias & cauſam nobis ſignifices & apres ceo vn attachement.

Mortmaine.

MOrtmaine, is where Landes is giuen to a houſe of religion, or to another companie which bee corporate by ꝑ kings grãt, then the land is come into mortmaine, that is to ſay, in Engliſh, a dead hand, & then the King or the Lord of whom the land is hol-

Mortmaine.

MOrtmain eſt lou terres ſont dones a vn meaſon de religion ou a vn auẽ company que ſont corporate per le graunt le Roy, donque ceſt terr eſt deuenus en mortmaine, ceſt adire en Angloys *a deade hand*, & donque le Roy ou le Sẽr de que le terr eſt te-

nus poit enter come appiert en lestatute *de Religiosis*, ideo vide lestatute, Auxi si vn fait feoffement sur confidence a certaine psons al oeps de vn meason de religion, ou oeps de ascun gyld ou fraternitie corporate, donque il serra dit mortmaine, & il encourage mesme le pain, vt patet per statute, Anno 15. R. 2.

313 *Mulier.*

MVlier, est vn parol vse en nostre ley, mes cõe aptment, ieo ne poy dire ne scay bien, Car accordãt al proper significatiõ, *Mulier* est fæmina corrupta, sicome il est vse per *Vlpianus*, en vn certaine lieu en tiel maner. Quod si ego me virginem emere putarem cum esset mulier, emptio non valebit. Per ceo poies voyer, que mulier est vn feme que ad ewe le cõpany dun home: Mes a relinquisher le droit signification, *Mulier* est prise en nostre ley, pur vn q̃ est loyalment engender & nee, & est toutes dits vse en comparison ouesque vn bas-

den, may enter as it appeareth by the statute de Religiosis, Therefore see the statute. Also if one make a feoffement upon trust to certain persons to the vse of a house of Religion, or to the vse of any guild or fraternitie corporate, then it shall bee said Mortmaine, and then he shal run in the same paine, as it appeareth by the statute Anno 15. R. 2.

Mulier.

MVlier, is a word vsed in our law, but how aptly I cannot well learne: for according to ẏ proper signification, Mulier is a defiled woman, like as it is vsed by Vlpianus in a certaine place after this sort. If I thought that I had bought a virgin, when she was a defiled woman, the bargaine was not good. Hereby you may see, that Mulier is a woman ẏ hath had the company of a man. But to leaue the right signification, Mulier is taken in our law for one that is lawfully begotten & born, and is alwaies vsed in comparison with a bastard,

ſtard, only to ſhew a diffe-rence betweene them, as thus for example. A man hath a ſonne of a woman before marriage, that is called a baſtarde, and vn-lawfull. And after he marrieth, the Mother of the baſtard, and they haue an-other ſonne, this ſeconde ſonne is cald Mulier, that is to ſay lawfull, and ſhall be heier to his father: but that other cannot be heiere to any man, becauſe it is not knowen nor certaine in the iudgement of the law who was his father and for that cauſe is ſaid to be no mans ſon, or the ſonne of the people, and ſo without father, according to theſe old verſes.

To whom the people father is, to him is father none at all,

To whom the people father is well fatherleſſe he may him call.

And alwayes you ſhall finde this addition to them (Baſtard eldeſt, and Mulier youngeſt,) when they be compared together.

tard ſolement pur mon-ſtre vn difference parenter eux, come pur example. Vn home ad vn fites per vn feme deuant mariage, ceſt iſſue eſt appel vn ba-ſtarde & illoyall. Et apres il marrie eue le mier del baſtarde, & ount vn au-ter fites, ceſt ſecond fites eſt appel Mulier, ceſt adire loyall, & ſerra heire al ſon pere: mes le auter ne poit eſte heir al aſc' home, pur ceo que il neſt conus ne certaine en le iudge-ment del ley, que fuit ſon pere, & pur ceſt cauſe eſt dit, deſte nullius fillius, ou fillius populi, & iſſint ſauns pere accordant al ceſtuy viele verſes.

Cui pater eſt populus, pater eſt ſibi nullus & om-nis.

Cui pater eſt populus, non habet ipſe patrem.

Et toutes foies vous trouers ceſt addition al eux (Baſtard eigne, & Mulier puiſne) quaunt ils ſount compare enſemble.

314 *Murder.*

MVrder eſt vn voluntarie occider dun home ſur malice prepenſe, & ſemble de vener de le Saxon paroll Mordren que iſſint ſignifie. Et Mordridus eſt le murderer tanque al ceſt iour ent eux en Saxonie, deque nous auomus mults de noſtre parolx come ad eſtre ſouent dit. Ou poyt eſtre deriue de Mort & dire, quaſi mors dira. Vide Stamf. Plees de la Corone lib. 1.

Murder.

MVrder, is a wilfull killing of a man vpõ malice forethought, and ſeemeth to come of the Saxon worde Mordren which ſo ſignifieth: And Mordridus, is the murderer euen vntil this day amõg them in Saxony, frõ whence we haue moſt of our wordes as hath bin often ſaid. Or it may be deriued of Mort and dire, as mors dira. See Stamf Plees of the Crowne lib. 1.

N.

315 *Natiuo habendo.*

NAtiuo habendo, eſt vn briefe, & giſt lou le villeine ou nieſe dun Seignior eſt alle de luy, donques le Seigmour auera ceſt brẽ direct al Vicount, q̃ il face le Seignior auer ſon villein ou nieſe oueſq; toutes ſes chateux.

Auxy en ceſt briefe pluſors villeines ou nieſes ne purront eſtre demaundes que deux, mes auxy tants des villeines ou nieſes que voilent, ioyntment poyent porter briefe De libertate probanda.

N.

Natiuo habendo.

NAtiuo habendo, is a writ, and it ſpeth where the villein or nieke of the Lorde is gone from him, then the Lorde ſhall haue this Writ directed to the Shiriffe, that he make his Lord to haue his villeine or nieke with al his goods.

Alſo in this writ more villeines or nieſes may not bee demaunded then twaine, but as many villeines or nieſes as will, iointly may bring a Writ De Libertate probanda.

Alſo

Also if a villeine or nieke bring his writ De libertate probanda, before that the Lord bring his writ, then the villeine plaintife shall be in peace till the cõming of the Justices or els his Writ shall not help him.

Also if a villeine haue married in an auncien demesne one yeare and a day without claime of the lord, then he cannot seise him in the said franchise.

316 *Ne admittas.*

NE admittas, is a Writ directed to the Bishop at the suite of one which is patron of any Church, & hee doubteth that the Bishop will collate one his Clerke, or admit an other Clerke presented by another man to the same benefice: then hee that doubteth it shall haue this writ to forbid the Shirife to collate or admitte any to that Church.

317 *Non omittas propter libertatem.*

NOn omittas propter libertatem is a writ, and it lyeth where the Shirife returneth ppon a writ to him directed, that hee hath Auxy si vn nief port briefe *De libertate probanda* auant que le Seigniour port cest briefe donques le villeine pl ou nieke serra en peace iesque al venue des Iustices, ou autrement son bre ne luy aidera.

Auxy si vn villeine ad demurre en auncien demeine per vn an & vn iour sans claime del Seigniour, donques il ne poyt luy seiser deins le dit franchise.

Ne admittas.

NE admittas est vn briefe direct al Eueſque al suit de vn que est patron de ascun Esglise, & il doubta q̃ Leueſque voit collate vn son Clerke, ou admit vn auter Clerke present per auc home al dit benefice: donques il que ceo doubta auera cest briefe de inhibiter le Vicount de collater ou admitter ascũ a son Esglise.

Non omittas propter libertatem

NOn omittas propter libertatem est vn briefe, & gist lou le Vicount retourne sur briefe a luy direct, que il ad

maund al Bailife de tiel franchise que auer returne des briefes, & il nad seruie le briefe, dóques le plaintife auera cest briefe direct al Vicont, que il luy mesme enter en le fraunchise & execute le briefe le Roy.

Auxy le Vicont garnera le Bailife que il soyt dequaunt les Iustices al iour contenus en le briefe, & sil ne vient & luy acquite, donques toutes les briefes iudicialles que passeront hors del Court le Roy durant mesme le plee, serront briefs De non omittas &c. & le Vicount ferra execution de eux pendant cel plee.

sent to the Bailife of such a franchise which hath returne of Writs, & he hath not serued the writ, then the plaintif shal haue that Writ directed to the Shirife, that he himselfe enter into the franchise and execute the kings Writ.

Also the Shirife shall warne the bailife that hee be before the Iustice at ꝯ day contained in the writ, & if hee come not, & excuse himselfe, thē al the Writs iuditials which shal passe out of the Kinges Court during the same plee, shals be Writs De non omittas &c. & the Shirife shall make execution of them hanging that plee.

318 *Negativa pregnans.*

NEgativa pregnans, est quaunt vn action ou information, ou tiel semblable sute est port enuers vn, & le defendaunt plede en barre del action, ou autrement vn negative plee, que nest cy speciall aunswere al action, mes que il enclude auxy vn affirmative. Come pur

Negativa pregnance.

NEgativa pregnans, is when an action or information, or such like is brought against one, & the defendant pleadeth in barre of the action, or otherwise a negative plee, which is not so speciall an aunswere to the action, but that it includeth also an affirmative: As for ex-

example: If in a writ of Entre in casu proviso, brought by him in the reuerſio vpon alienation by the tenant for life, ſuppoſing that he hath aliened in fee (which is a forfaiture of his eſtate) & the tenant to the writ ſaith that he hath not aliened in fee, this is a negatiue, wherein is included an affirmatiue: for although it be true, that he hath not aliened in fee, yet it may be that he hath made an eſtate in taile (which is alſo a forfaiture) and then the entrie of him in the reuerſion is lawfull &c.

Alſo in a Quare impedit the Queene makes title to preſent to a Prebend, for that the temporalties of the Biſhoprick were in her hands by the death of W. late Biſhop &c. The defendaunt ſayth that it was not voide being the temporalties in the Queenes handes by the death of W. this is a Negatiue preignās, for it may be in the Queenes hands otherwiſe then by ẏ death of W. and it ſufficeth

example: Si en briefe de Entre in caſu proviſo, port per ceſtuy en le reuerſion ſur alienation per le tenant pur vie, ſuppoſant que il ad alien en fee (que eſt vn forfaiture de ſon eſtate,) & le tenaunt al briefe dit, que il nad alien en fee, ceſt vn negatiue, en que eſt enclude vn affirmatiue: car nient obſtant il ſoit veray que il nad alien en fee, vncore il poit eſtre que il ad fait vn eſtate en taile (le quel eſt auxy vn forfaiture) & donques le entrie de celuy en le reuerſion eſt loyal &c.

Item en vn Quare impedit, le Roigne liſt title de preſenter a vn Prebend, ratione que les temporalties de leueſcherie fueront en ſa maines per le mort de W. nuper Epiſcopi &c. Le defendant dit que ne voida pas eſteants les temporalties en les maines del Roigne per le mort de W. ceſt vn Negatiue preignans, car il poit eſtre en ſes mains del Roigne, auterment que per le mort de W. & il ſuffiſt

al Roygne ſi ſoit en ſa maines &c.

Iſſint eſt lou vn Information fuit port in Scaccario vers I.S. pur ceo que il achate laines perenter ſhering temps & Aſſumption tali anno de I.N. Le defendaunt dit quod non emit de I. N. come il eſt alleage &c. ceo eſt appelle vn Negatiue preignans, car ſil ceo achate de auter, vncore il eſt culpable pur le achater.

319 *Ne iniuſte vexes.*

NE iniuſte vexes, Vide de ceo deuaunt titulo Monſtrauerunt.

320 *Niefe.*

NIefe, eſt vn feme que eſt bonde, ou vn villeine feme, mes ſi el marie vn franke home, el eſt per ceo fait franke, pur ceo que el & ſon baron ſont forſque vn perſon en ley, & el couient eſtre de meſme le nature & condition en ley a touts entents come ſa baron. Mes ſa baron eſt frank a touts entents ſans aſcun condition en ley, ou auterment: & iſſint per conſequens, le feme couient

the Queene if it be in her hands by any meanes &c.

So it is where an Information was brought in the Eſchequer againſt I. S. for y he bought wooll betweene ſhering time and the Aſſumption ſuch a yere of I. N. The defendant ſaith that he did not buy any of I. N. as it is alleaged &c. this is called a Negatiue preignans, for if he bought it of any other, yet he is culpable for y buying.

Ne iniuſte vexes.

NE iniuſte vexes, Looke therefore before in the title Monſtrauerunt.

Niefe.

NIefe, is a woman that is bound, or a villeine woman, but if ſhee marrie a free man, ſhee is thereby made free, becauſe that ſhe and her huſband are but one perſon in lawe, and ſhee ought to be of the ſame nature and condition in law to all intentes that her huſband is. But her huſband is free to all intents without any condition in law, or otherwiſe: and ſo by conſequent the wife ought

to

to be, & is free according to the nature of her free husband, & then if she were once free & cleerly discharged of bondage to all intents, shee can not be nieue after without especial act done by her, as diuorce, or confessiō in court of record, and that is in fauour of libertie, and therefore a free woman shall not be bound by taking of a villeine to her husband: But their issue shalbe villeins as their father was, which is contrary to the Ciuil law, for there it is said, the birth followeth the belly.

Bondage or Villenage had beginning among the Hebrewes, & his original proceeding of Chanaan the son of Cham, who because that he had mocked his father Noe to scorne, lying dissolutely when he was drunk, was punished in his Sonne Chanaan with penalty of bondage.

321 *Nihil dicit.*

NIhil dicit, is when an action is brought against a man, & the defendant appeares, the plaintife declares, & the defen-

estre, & est frank accordant al nature de son frank baron, & donques si el soit vn foits frank & cleremēt discharge de villenage a touts intents, el ne poit estre nieue apres sans especial act fait per luy, come diuorce, ou confuians en court de record, & ceo est en fauour de libertie, & pur ceo vn frank feme ne serra villeine per prisel del villeine a sa baron: Mes lour isſue serra villeines come lour pere fuit, que est contrarie a le ley Ciuil, car la est dit, Partus sequitur ventrem.

Bondage ou villenage ad son commencement enter les Hebrewes, & son originall proceeding de Chanaan le fits de Cham, que pur ceo que il auoit derisee son pere Noe gisant dissolutement quant il fuit ebriee, fuit punie en son fits Chanaan ouesque penaltie de bondage.

Nihil dicit.

NIhil dicit, est quant vn action est port enuers vn home, & le defendant appeare, le plaintife declare, & le defendant

dant ne voile respondre, ou plede al action, & ne mainteine son plee, mes fait defaut, ore sur cest default, il serra condempne, quia nihil dicit.

dant will not answere, or pledes to the action, & doth not maintain his plee, but makes default, now vpon this default, he shalbe condemned, because he saith nothing.

322 *Nisi prius.*

NIsi prius, est vn briefe iudicial, & gist quant lenqueſt est empanell' & retourne deuant les Iustices en bank, donques le plaintife ou defendant poit auer cest briefe directe al vicont, luy commaundant que il face vener la enqueſt deuant les Iustices en mesme le countie a lour vener la destre determine, & ceo pur easement del enqueſt.

Nisi prius.

NIsi prius, is a writ iudiciall, and it lyeth when an enqueſt is empanelled & retourned before the Iustices in the bench, the the plaintife or defendant may haue this writ directed to the Shirife, him commanding that he cause the enqueſt to come before the Iustices in ꝑ same county at their comming to be determined, and that for the easing of the enqueſt.

323 *Nomination.*

NOmination, est ou vn poit en drout de son mannour ou autrement, nominate & appoint vn able Clerke ou home al vn Parsonage, Vicarage, ou tiel spirituall promotion. Et nota que cest nomination doit estre al auter que lordinarie, que auter luy presentera al Ordinarie.

Nomination.

NOmination, is where one may in right of his Mannour or otherwise, nominate and appoint a worthy Clerke or man to a Parsonage, Vicarage, or such like spirituall promotiõ. And note that this nomination ought to be to another then the ordinary, which other shall present him to the Ordinarie.

Nonabi-

324 *Nonabilitie.*

NOnabilitie is where an action is brought against one, & the defendant saith that the plaintife is not able to sue any action, & demandeth iudgement if he shalbe answered. There are fiue causes of Nonabilitie in the plaintif, as if he be an outlawe, or an alien borne, but that disabilitie is in actions reals & mixt onely, and not in actions personals, except he be an alien enemie, or condemned in præmunire, or professed into an Abbey, Priorie, or Friarie, or excommunicate, or a villein, and sueth his Lord: but this last is no plee for another that is not Lord to ỹ villeine. See more hereof in Littleton lib. 2. cap. 11.

Nonabilitie.

NOnabilitie, est lou vn action est port vers vn, & le defendant dit que le plaintife est non able de suer ascun action, & demande iudgement sil serra responde. Il y ad vj. causes de Nonabilitie en le plaintife, come sil soit vtlage, ou vn alien nee, mes ceste disabilitie est en actions reals & mixt solement, & non en actions personals, sinon que il soit vn alien enemy, ou condempne en premunire, ou professe en vn Abbey, Priorie, ou Friarie, ou excommenge, ou vn villaine, & sue son Seigniour: mes ceste darreine nest plee pur auter que nest Seigniour al villaine. Vide plus de ceo *Littleton* lib. 2. cap. 11.

325 *Bare, or naked Contract.*

BAre Contract, or naked promise, is where a man bargaineth or selleth his lands, or goods, or promiseth to giue to one money, or a horse, or to build a house, or do such a thing at such a day, and there is

Nude Contract.

NVde Contract, ou nude promise, est lou vn home bargaine ou vende ses terres, ou biens, ou promise pur doner al auter money, ou vn chiual, ou a edifier vn meason, ou faire tiel chose a tiel iour, et la est nul

nul recompence appoint a luy pur le faire de ceo: Come si vn dit al autre, ieo vende ou done a vous toutes mes terres ou byens, Et la est nul chose appoint, assigne, ou agree, que l'autre donera, ou payera pur ceo, issint que il nad quid pro quo, ceest vn nude contract, & voide en ley, & per non performance de ceo nul action gist, car ex nudo pacto non oritur action.

no recompence appointed to him for ꝓ doing thereof: As if one say to an other, I sel or giue to you all my lands or goods, and there is nothing appointed, assigned, or agreed vppon what the other shall giue or pate for it, so that there is not one thing for an other, this is a naked contract, and voide in law, and for not performance thereof no action lieth, for of a naked Contract commeth no action.

326 *Nusauns.*

NNsauns, est lou ascun home leuie ascū mure, ou estoppe ascun ewe, ou fait ascun chose sur son terre demesne a noyance son procheine, ceestuy que est greeue auera ent vn briefe appelle Assise de Nusauns. Auxy si il que fist le nusauns alien la terre a vn auter, donques ceest briefe serra port enuers ambideux, come appiert per lestatute Westminster 2. cap. 24.

Nusauns.

NVsauns, is where any man leuieth any wal, or stoppeth any water, or doth any thing vppon his owne ground to the vnlawfull hurt & annoyance of his neighbor, he that is grieued may haue thereof an Assise of Nusans. And if he that make the nusans alien the land to an other, then this writ shall bee brought against thē both, as it appeareth by the Statute Westminst. 2. ca. 24.

327 *Nuper obiit.*

NVper obiit, est vn briefe & gist lou vn ad plusors heires, ceestasçauoir,

Nuper obiit.

NVper obiit, is a writ, & it lieth where one hath many heires, that is to say,

many

many daughters, or many sonnes, if it be in Gauelkind in Kent, and dyeth seised, & one heire entreth into all the land, then the other that he holdeth out, shal haue this writ against the coheire that is in. But a writ of Rationabili parte dyeth in such case where the auncestour was once seised, and dyed not seised of the possession, but in reuersion.

O.

328 *Oredelse.*

ORedelse, is where one claimes to haue the Ore that is found in his soyle or ground.

329 *Outfangthiefe.*

OVtfangthiefe, that is, that theeues or felons of your land, or fee, out of your land, or fee, taken with felonie or stealing, shall be brought back to your court, & there iudged.

330 *Oweltie.*

OWeltie, is when there is Lord, Meane, and tenant, and the tenant holdeth of the Meane by the same services that the Meane holdeth ouer of the

plusors files, ou plusors fites, si soit en Gauelkind en Kent, & deuie seisie, & vn heire entra en tout la terre, donques les auters que sont tenus dehors, aueront cest briefe vers le coheire que est deins. Mes briefe de Rationabili parte gist en tiel case ou launcestour fuit vn foits seisie, & ne moruit seisie de possession, mes del reuersion.

O.

Oredelse.

ORedelse, est lou vn claime de auer le Ore que est troue en son soyle ou terre.

Outfangthiefe.

OVtfangthiefe, hoc est quod latrones de terra vestra, vel feodo vestro, extra terrā vestrā, vel feodum vestrū, capti cū latrocinio, ad curiā vestrā reuertantur, & ibidē iudicētur.

Oweltie.

OWeltie, est quant il y ad Seignior, Meane, & tenaunt, & le tenaunt tient del Meane per meme les seruices que le Meane tient ouster de le

Seig-

Seignior paramoūt: come si le tenant tient del Mesne per homage, fealtie, & xx.s', de rent annuelment, & le Mesne tient ouster de le Seignior paramount per homage, fealtie, & xx. s'. rent auxy, ceſt eſt appelle Oweltie de ſeruices.

331 *Oier de Recordes & Faits &c.*

OIer de records & faits, eſt, ſicome pur example: vn action de det ſoit port enuers vn home ſur vn obligation, & le defendant appeare al action, & donques prie que il poit oier le obligation oueſque que le plaintife charge luy.

Iſsint eſt quant executors port vn action de det, & le defendant demande oier del Teſtament, ſur ceſt demande il ſerra lye al defendant: Mes ſi ſoit en vn auter terme, ou apres que le defendant ad imparle, donques il naūera le oier. Et iſſint come eſt dit de Faits, eſt deſte entende de Records que ſont alleage enuers luy. Veies le title Monſtrance de faits.

Lord aboue him. As if the tenāt hold of the Mesne by homage, fealtie, and xx. s. of rent yearely, & the Mesne holdeth ouer of the Lord aboue by homage, fealtie, & xx. ſhillings rent alſo, this is called Oweltie of ſeruices.

Hearing of Recordes and deedes &c.

HEaring of Records and deedes, is, as for example: an action of debt is brought againſt a man vpon an obligation, & the defendant appeares to the action, and then prayeth that he may heare the obligation wherewith the plaintife chargeth him.

So it is when as executors bring an action of debt, & the defendant demandeth to hear the teſtament, vpon this demaund it ſhalbe read vnto the defendant: But if it be in another terme, or after that the def. hath imparled, the he ſhall not heare it. And ſo as is ſaid of Deeds, is to be vnderſtood of Records that are alleaged againſt him. See the title Shewing of deedes.

332 *Oier*

332 *Oier & Terminer.*

OIer & Terminer, is a Writ called in Latin, de Audiẽdo & terminando, and it lyeth where any great or sodain insurrection is made, or anie other sodaine trespas which requireth hastie reformation, then the King shall direct a cõmission to certaine men e Justices to heare and to determine the same.

Note that euery Justices of Assise haue also one Commission of Oier e determiner, directed to them, and diuers other inhabitants within the Shires, whereunto their cercuite extendeth, whereof ech one of the Justices of Assise are of the Quorum, for the hearing and determining of diuers offences, which may happen in their circuite, which without the cõmission they could not.

Oier & Terminer.

OIer & Terminer, est briefe appel en Latine de Audiendo & Terminando, & gist quant ascun graund ou sodain insurrection est fait, ou ascun auter sodaine transgression q̃ require hasty reformation, donq̃s le Roy directera vn commission a certain gẽts & Iustices de audiendo & terminando.

Nota que les Iustices de Assise ont vn commission de oier & determiner, direct al eux, & diuers auters inhabitants deins les coũties, as queux lour circuite extende, dont chescun de les Iustices de Assise sont del Quorum, pur le meulx Oier & determiner de diuers offences quex poyent a vener en lour circuites, quels sans cel commission eux ne poyent faire.

P.

333 *Pape.*

PApe, is an auncient name falsly arrogated, or proudlie vsurped by the Bishop of the onely Citie of Rome in Italy, and is

P.

Pape.

PApe, est vn auncient nosme fauxement arrogate, ou haultment vsurp p le Euesq; de le sole Cittie de Rome en Italie, & est

communement appelle en Anglois le Pope, vn nosme veramẽt mult frequent en nostre auncient annels liuers, specialmẽt en les tẽps de ceux Royes, qux grandmẽt abandonãts lour imperial authoritie, & abasants eux mesmes mult debase lour estate, nẽ fuerõt honte de suffer vn alien & outlandish Euesq; que inhabite ouster mille & cinque cent myles de eux, de estre Soueraigne de hault eux en lour dominions demesne, & de toller de eux non solemẽt le disposition de certain petite trifles de nul account, mes auxy le nomination de Archeuesques, Euesques, Abbots, Deanes Prouostes, appropriatiõs de benefices, presentations al parsonages, vicarages, & generalment de toutes spirituall persons a lour perferments, ascun temps per laps, & ascun temps per prouision, ou autrement, per que le Prærogatiue del Royes fuit mult abridge deins lour Realmes demesne. Pur le repressiõn de quel diuers Statutes

commonly Englished the Pope, a name truly most frequent in our auncient yeare bookes, specialite in the times of those kings, who two much abandoning their Imperiall authoritie, and abasing themselues farre beneath their estate, were not ashamed to suffer an alien and an outlandish Bishop, that dwelt aboue xv. hundred miles from them, to bee Soueraigne ouer them in their owne dominions, and to take from them not onely the disposition of certain small trifles of none account, but also the nominations of Archbishops, Bishops, Abbots, Deanes, Prouostes, appropriation of benefices, presentations to Parsonages, Vicarages, and generally of all spirituall persons to their preferments, sometimes by laps, & sometimes by prouision, or otherwise, whereby the kings princely prerogatiue was verie much abridged within their owne realmes. For the repression wherof diuers Statutes were

wery made, but no ſufficient remedy vntil King H. 8. did caſt off their yoke from him and his ſubiects.

334 *Per quæ ſeruitia.*

LOoke therefore afterward in the title, Quid iuris clamat.

335 *Parceners.*

PArceners are according to the courſe of the common law, & according to the cuſtome. Parceners according to the common law are where one ſeiſed of an eſtate of enheritance of tenements hath no iſſue but daughters, & dyeth, & the tenants diſcend to the daughters, tho they be called Parceners, & are but as one heire. The ſame law is, if he haue not anie iſſue, & his ſiſters ſhould be his heirs. But if a man hath but one daughter, ſhe is not called parcener, but ſhe is called the daughter & heire. And if there be no daughters nor ſiſters, the land ſhall diſcend to the elks, & they be called parceners. Alſo when lands diſcend to diuers parceners, they may make partition betwixt themſelues

ont eſté fait, mes nul ſuffycient remedy tanq̃ Roy H. l'8. tout ouſterint reiect cel iuge del luy & ſes ſubiects.

Per quæ ſeruitia.

VIde de ceo apres, titulo Quid iuris clamat.

Parceners.

PArceners, ſont ſolonque le cours de common ley, & ſolonque le cuſtome. Parceners ſolonque le common ley ſont lou vn ſeiſie dun eſtate de enheritance des tenemẽts ad iſſue forſque files & deuie, & les tenementes deſcendont a les files, donques ils ſont appel parceners, & ſont forſques vn heire. Meſme le ley eſt, ſi neyt aſcun iſſue, & que ſes ſoers ſerroyent ſes heires. Mes ſi home ad forſque vn file, el neſt dis parcener, mes el eſt dit la file & la heire. Et ſi ne ſont files ne ſoers, les terres deſcenderont a les auntes & els ſont appels parceners. Auxi quaunt terres deſcendont a diuers parceners, els poyent faire partition enter eux

per agreement, mes si aſcun deux ne voilent faire partition, donque lauter ou les auters aueront vn briefe de Participatione faciẽda direct al Vicount que ferra partition enter eux per le ſerement de xij. loyals homes de ſa bailiwike. Auxi partition per agreement poyt eſte fait per le ley, auxibien per paroll ſans fait come per fait. Et ſi ſont de plein age, le partition touts iours demurrera, & ne ſerra vnques defete. Mes ſi les terres ſont a eux in le taile, & coment que ils ſont cõcludes durant lour vies, vncore le iſſue ceſtuy que ad le meinder part in value poyt diſagreer a le partition & enter & occupier in commen oueſque lauter part. Et auxy ſi les barons des parceners font partition, quaunt le baron deuie, la feme poit diſagreer a la partition. Auxy ſi le parcener que eſt deins age fait partition, quant el vient a ſon pleine age, el poyt diſagreer. Mes el couient byen garder quant el vient a ſon pleine

by agreemẽt, but if any of them will not make partition, thẽ the other or the others ſhall haue a writ de Participatione faciẽda directed to ỹ ſhirife, who ſhall make partition between them by the oth of xij. lawfull men of the bailiwike. Alſo partitiõ by agreemẽt may be made by ỹ law, as wel by word without deed as by deed. And if they be of full age the partitiõ ſhall remaine for euer, and ſhall not at any time be defeted. But if the lands be to them in the taile, e though they are concluded during their liues, yet the iſſue of him which hath the leſſer part in value, may diſagree from the partition, and enter and occupie in common with the other part. And alſo if the huſbands of the parceners make partitiõ, when the huſband dyeth, the wife may diſagree to the partition. Alſo if the parcener which is within age maketh partition, whẽ ſhee commeth to full age ſhee may diſagree. But ſhee muſt take good heede whẽ ſhe cõmeth to hir full age

age that ſhe take not all ꝑ profites to her owne vſe of ꝑ lands which were to her allotted, for then ſhe agreeth to the partition, & the age ſhall alway be entended the age of xxi. yeares.

Alſo if there bee diuers parceners that haue made partition betweene them, and one of their parts bee recouered by lawful title, then ſhee ſhall compell the other to make a new partition.

Alſo they are parceners according to cuſtome, where a man is ſeyſed of lands in Gauelkind, as in Kent, & in other places franchiſed, and hath iſſue diuers ſonnes and die, then the ſonnes are parceners by cuſtome.

336 *Partition.*

PArtition, is a diuiding of landes diſcended by the common Law, or by Cuſtome among coheires or parceners, where there bee two at the leaſt, whether they be ſons, daughters, ſiſters, auntes, or otherwiſe of kin to the auncestour from whome the land diſcended to them.

age, que el ne preigne toutes les profits a ſon vſe demeſne des terres que fueront a luy allotes car donques el ſoy agre a le partition, & le pleine age ſerra touts fois intende al age de xxi. ans.

Auxy ſi ſont diuers Parceners que ont fait partition enter eux, & le part de vn ſoyt recouer vers luy p title loyal, donques el cõpellera les autres de faire nouel partition.

Auxy ils ſont parceners ſolonque le cuſtome, ſou home eſt ſeiſi de terres en Gauelkind, come en Kent, & autres lieux franchiſes, & ad iſſue diuers fites & deuie, donques les fites ſont parceners per le cuſtome.

Partition.

PArtition, eſt vn *diuiſion* de terres diſcendus per le common Ley, ou per Cuſtome perenter coheires ou parceners, ou ils ſont deux al meines, ſoyent ils fites, files, ſoers, auntes, ou autrement de kinne al auncestour de que le terre diſcend all eux.

Et ceſt partition eſt fait quatuor voyes pur le plus part, de que trois ſont al pleaſure & per agreement perenter eux, le quart eſt per compulſion.

And this partition is made foure wayes for the moſt part, whereof three are at pleaſure, and by agreemēt among them, the fourth is by compulſion.

Vn partition per agreement eſt quant ils meſmes deuide le terre equalment en tantes partes, come la ſont de eux coparceners, & cheſcun de eſlier vn ſhare ou part, le eigne primerment, & iſſint lun apres lauter, come ils ſont de age, ſinon que le eigne per conſent fait le partition, donques le election appertient al prochein, & iſſint al eigne darreinment accordant come il eſt dit: Cuius eſt partitio, alterius eſt electio.

One partition by agreement is when they themſelues deuide the land equallie into ſo many parts as there be of them coparceners, and each to chooſe one ſhare or part, the eldeſt firſt, and ſo the one after the other, as they be of age, except that the eldeſt by conſent made the partition, then the chooſe belongeth to the next, and ſo to the eldeſt laſt, according as it is ſaid: Who ſo maketh the partition, the other muſt haue the chooſe.

Vn auter partition per agreement eſt, quant ils eſlient certaine de lour amyes de faire diuiſion pur eux.

An other partition by agrement is, when they chooſe certaine of their friendes to make diuiſion for them.

Le tierce partition per agreement eſt, per trahens de lots iſſint: Primerment de deuider le terre entants des partes come la ſont parceners: donqs a ſcriber

The third partition by agreement is, by drawing of lots thus: Firſt to deuide the Lande into ſo many parts as there be parceners, then to write

euery

euery part seuerally in a little scroll or peece of paper or parchment, and to put the same scroll vp close into a hat, by cap, or other such like thing, and then each Parcener, one after another as they be of age, to drawe out thereof one peece or scroll wherein is written a part of the land, which by this drawing is now seuerally allotted vnto them in fee simple.

The fourth partition which is by compulsion, is when one or some of the coparceners would haue partition, and other some will not agree thereto, then they that so would haue partitiõ may bring a writ De partitione facienda against the others that would not make partition, by vertue wherof they shall be compelled to depart &c.

In Kent where the lands are of Gauelkind nature, they call at this day their partition Shifting, euen the very same word that the Saxons vsed, namelie Shiftan which signifieth to make

chescun part seueralment en vn petit scrol ou peece de paper ou parchment, & de mitter ceux scrols close en vn hat, cap, ou auter tiel semblable chose, & donques chescun parcener, vn apres auter come ils sont de age & traher hors de ceo vn peece ou scrol en q̃ est escript vn part del terre que per cest trahens est ore seueralment allotte al eux en fee simple.

Le quart partition que est per compulsion, est lou vn ou ascun de les coparceners voilent auer partition, & auters ne voylent agreer a ceo, donque ceux que issint voylent auer partition poyent porter vn briefe de Partitione facienda enuers les auters queux ne voilent faire partition, per vertue de quel ils fueront compel de departer &c.

En Kent lou les terres sont de Gauelkinde nature, ilz appel a cest iour lour partition Shifting, il mesme parol que les Saxons vse, nosmement *Shiftan*, que signifie pur faire partition

perenter coheires, & pur aſſigner a cheſcun de eux lour portion. In Latin eſt appel *Herciſcere.*

Partition auxy poit eſtre fait per iontenantes ou tenaunts en common per lour aſſent, per fait enter eux, ou per briefe per les ſtatutes de 31. H. 8. cap. 1. & 32. H. 8. c. 32.

between coheirs partitis, & to aſſigne to ech of them their portion. In Latin it is called Herciſcere.

Partition alſo may be made by Joynetenantes or tenants in common by their aſſent, by deede betweene them, or by Writ by the ſtatutes of 31 H. 8. cap. 1. and 32. H. 8. cap. 32.

337 *Parties.*

PArties al fine ou fayt, ſont ceux queux ſont noſmes en fayts ou fines come parties a ceo, come ceux queux leuie le fine, & auxy ils a que le fine eſt leuie. Et ils que ſont vn fait de feoffement, & ils a que il eſt fayt ſont appelles parties al fayt, & iſſint en auters ſemblables caſes.

Nota que ſi vn Indenture ſoyt fait enter deux come parties a ceo en le commencement, & en le fayt vn de eux graunta ou leſſa vn choſe al vn auter que neſt noſme en le commencement, il neſt partie al fayt, ne prendra riens per ceo.

Parties.

PArties, to a fine or deede are thoſe which are named in deedes or fines as parties to it, as thoſe that leute the ſame fine, & alſo they to whome the fine is leuied. And they that make a deed of feoffement and they to whome it is made, are called parties to the deed, and ſo in any other like caſes.

Note that if an Indenture be made betweene 3. as parties thereto in the beginning, & in the deed one of them graunteth or letteth a thing to another, that is not named in the beginning, he is not party to the deed, nor ſhall take any thing thereby.

338 *Patron.*

PAtron, is he that hath ꝑ aduowſon of a perſonage, vicarage, freechappell, or ſuch like ſpirituall promotion belonging to his manor, or otherwiſe in groſſe, and thereby may or ought to giue the ſame beneſice, or preſent thereto, when and as often as it falleth void. And this being patron or patronage had beginning for ꝑ moſt part by one of theſe three wayes, namely either by reaſon of the foundation, for that the Patron or his anceſtors, or thoſe from whom her claimes were founders or buylders of the church, or by reaſon of dotation, for that they did endow or giue lands to the ſame for maintenance thereof, or els by reaſon of the ground, becauſe the Church was ſet or buylded vppon their ſoyle or ground: And many times by reaſon of the all three.

339 *Perquiſites.*

PErquiſites, are aduantages and profites that come to a manor by caſualtie, and not yeerely,

Patron.

PAtron, eſt celuy que ad le aduowſon de vn parſonage, vicarage, frank chappel, ou tiels ſemblable ſpirituall promotions appertient a ſon manor, ou auterment en groſſe, & per ceo poit ou doit doner meſme le benefice, ou preſent a ceo, quant & cy toſt que il deuient voide. Et ceſt eſteant Patron ou patronage ad commencement pur le pluis part per vn de ceux trois voies, noſmement ou ratione fundationis, pur ceo que le Patron ou ſes auncestours, ou ceux de que il claime fueront ſounders ou edifiers de le Egliſe, ou ratione dotationis, pur ceo que ils endow ou done terres al ceo pur maintenance, ou auterment ratione fundi, pur ceo que le Egliſe fuit mis ou edifie ſur lour ſoyle ou terre: Et diuers temps per reaſon de ils touts trois.

Perquiſites.

PErquiſites, ſont aduantages & profites queux vient al vn manor per caſualtie, & non annuelment, come

come Eſcheates, Hariots, Reliefes, waines, eſtrayes, forfaitures, amerciaments en courte, gardes, marriages, byens & terres purchaſe per villeins de meſme le manor, fines del copyhols, & diuers ſemblable choſes queux ne ſont certaine mes happen per chance, aſcun temps pluis often que a auter temps. Vide *Perkins* fol. 20. & 21.

340 *Perambulatione faciendâ.*

PErambulatione faciendâ eſt vn briefe, & giſt lou deux ſeigniories giſont vn pres lauter, & aſcun encrochment eſt fait per long temps, donques per aſſent de ambideux Seigniors, le Vicont prendera oneſque luy les parties & les vicines, & ferront perambulation, & ferront les metes come ils fueront adeuant. Mes ſi vn Seignior encroche ſur lauter, & il ne voile faire perambulation, donques le Seignior iſſint greeue auera briefe vers lauter, que eſt appelle de Rationabilibus diuiſis.

as Eſcheates, Hariots, Reliefes, waiues, eſtraies, forfaitures, amerciaments in courts, wards, marriages, goodes and landes purchaſed by villeins of the ſame mannor, fines of copyholdes, & diuers ſuch like things that are not certaine but happen by chance, ſometimes more often then at other times. See Perkins fol. 20. and 21.

Perambulatione faciendâ.

PErambulatione faciendâ is a writ, and it lyeth where two Lordſhips lie one nigh an other, & ſome encrochment is made by long time, then by aſſent of both Lordes, the Shiriffe ſhall take with him the parties and the neighbors, and ſhall make perambulation, & ſhall make the boundes as they were before. But if a Lord encroch vpon an other, & he will not make perambulation, then the Lord ſo greeued ſhall haue a writ againſt the other, which is called de Rationabilibus diuiſis.

341 *Petit Cape.*

PEtit Cape is a writ, and it lyeth when any action reall, that is to say, of plee of land is brought, & the tenant appeareth, and answerd maketh default, then this writ of Petite Cape shall go forth to seise the lands into the Kings handes: But if he appeare not, but maketh default at the first summons, then a Graūd cape shal go forth, and for such default the tenant shal lose the land, but if he wage his law of non summons, he shal saue his default, and then he may plead with the demandant. And in Graund cape the tenant shall be summoned to answere to the default, and farther to the demandant: But in Petit cape he shall be summoned to answere to the default onely, and not to the demandāt, And it is called Petit cape for that that there is lesse in this writ.

342 *Petit Serieantie.*

TO hold by Petie Serieanty is as if a man hold of the king lands or tenements, yeelding to him a

Petit Cape.

PEtit Cape est vn briefe, & gist quant ascun action real, s. de plee de terre est port, & le tenant appeare, & puis fait default, donques issera cest briefe de petit Cape de seiser les terres en maine le Roy: Mes sil ne appera, mes fait default al primer sommons, donques issera vn Graund cape, & pur tiel default le tenaunt perdra la terre, mes sil gage son ley de non summons, il sauera son default, & donques il poyt plede ouesque le demaundaunt. Et en Graund cape le tenaunt serra sommon pur responder al default, & ouster al demaundaunt: Mes en Petit Cape il serra summon pur responder al default solement, & nemy al demaundant, Et est appelle Petit cape, pur ceo que il ad minus en cel briefe, que en lauter.

Petit Serieantie.

TEner per Petit Serieantie est sicome vn home tient de Roy terres ou tenements, rendant a luy vn cuttell,

cuttel, vn escue, vn sete, vn arcke sans corde, ou auter semble seruice, a la volunt le primer feoffor, Et la nappent garde, mariage, ne reliefe. Et nota que home ne poit tener per graund Serieantie, ne per petite Serieantie, sinon del Roy.

343 *Plaintife.*

PLaintife, est celuy q̄ sue ou cōplaine en vn Assise ou en vn action personall, come en vn action de det, tresp̄as, disceit, & detinue, & tiels semblables.

344 *Pleading.*

PLeadings, sont appelles toutes actes del parties al sutes aptes le count ou declaration, nosmemēt ceo que est conteine en le barre, replication, & reioynder, & non ceo conteine en le count mesme, & pur ceo defaults en le matter del count, ne sont compris deins mispleading, ou insufficient pleading, ne sont remedie per le statute de Ieofailes, 32. H. 8. Mes solement ceo mispleading, ou insufficient pleading, commit en le barre, replica-

knife, a buckler, an arrow, a bow without string, or other like seruice at the will of the first feoffor, and there belongeth not ward, mariage, ne reliefe. And marke well that a man may not hold by graund nor petite Serieantie, but of the King.

Plaintife.

PLaintife, is he that sueth or complayneth in an assise, or in an action personal, as in an action of det, tresp̄as, disceit, detinue, and such other.

Pleading.

PLeadings, be called all the sayings of the parties to suits after the count or declaration, namely that which is contayned in the barre, replication, and reioinder, & not the contained in the count itselfe, and therfore defaults in the matter of the count are not comprised within mispleading, or insufficient pleding, nor are remedied by the statute of Ieofailes, 32. H. 8. But onely that mispleading, or insufficient pleading, committed in the barre, replica-

tion,

tion, and reioinder, are there prouided for.

345 *Post disseisin.*

POst disseisin, Looke for that before in the title Assise.

356 *Possession.*

POsſession, is said two wayes, either actuall possession, or possession in law.

Actuall possession, is when a man entreth in deede into landes or tenements to him discended, or otherwise.

Possession in law, is when lands or tenements are discended to a man, and he hath not as yet really, actually, and in deede entred into them: And it is called possession in law, because that in the eye and consideration of the law, he is deemed to be in possession, for asmuch as he is tenant to every mans action that will sue concerning the same landes or tenements.

347 *Poundes.*

POundes, are in two sorts, the one Pound open, the other pound close.

tion, & reioinder, sont la prouide.

Post disseisin.

POst disseisin, Vide de ceo deuaunt en le title Assise.

Possession.

POsſession, est dit deux voies, ou Actuall possession, ou possession en ley.

Actuall possession, est quant vn home enter en fait en terres où tenements a luy discende, ou autrement.

Possession en ley, est quaunt terres ou tenementes sont discende al vn home, & il nad vncore realment, actualment, & en fait enter en eux: Et il est appelle possession en ley, pur ceo que en le oiel, & consideration del ley, il est pense deste en possession, entant que il est tenaunt a chescun action que ascun voit suer cõcernãt mesmes les terres ou tenements.

Poundes.

POundes, sont en deux sorts, lun Pound ouert, les autres pound close.

Pound

Pound ouert, est chescun lieu en que vn distresse est mis, sont ceo common pound, tiels que sont en chescun ville ou Seigniorie, ou soit ceo backside, court, yarde, pasture, ou autrement que cunque, lou le owner del distresse poit vener a doner eux viande sauns offence pur lour esteant la, ou son vener la.

Pound close, est tiel lieu, lou le owner del distresse ne poit vener a doner eux vyande sans offence, come en vn close meason, ou que cunque auter lieu.

348 *Preamble.*

PReamble ad son nosme de le prepositon (Pre) deuant, & le verbe (Ambulo) pur va, issint ioint ensemble, ils font vn compound verbe de le primer coniugation (Preambulo) pur vaer deuant, & de ceo le primer part ou commencement dun act, est appelle le Preamble de le act, le quel preamble est vn cliffe de ouerer les ments del feasors del act, & les mischiefes que ils entende

Pound open, is euery place wherin a distresse is put, whether it be common pound, such as are in euery Towne or Lordship, or whether it be backside, court, yard, pasture, or els whatsoeuer, whether the owner of the distresse may come to giue them meate & drinke without offence for their being there, or his comming thither.

Pound close, is such a place, where the owner of the distresse may not come to giue them meate and drinke, without offence, as in a close house, or whatsoeuer els place.

Preamble.

PReamble taketh his name of the prepositon (Pre) before, and the verbe (Ambulo) to go, so ioyned together, they make a compound verbe of the first coniugation (Preambulo) to go before, & hereof the first part or beginning of an act, is called the preamble of the act, which preamble is a key to open the mindes of the makers of the acte, and the mischiefes that they intend

to

to remedy by the same: As for example, the statute made at Westminster the first the 37. cap. which giueth an Attaint, the Preamble of which is thus: Forasmuch as certaine people of the Realm doubt bery little to giue false verdicts or othes, which they ought not to doe, whereby many people are disherited and loose their right, it is prouided &c.

de remedy per ceo: Come pur example, le statute fait al Westminster le primer le 37. cap. que done Attaint, le Preamble de que est isint: Pur ceo que ascuns gentes de la terre doutent meines faux serement faire, que faire ne duissent, per que multes des gentes sount disherites & perdent lour droit, Puruiew est &c.

349 *Præmunire.*

PRemunire, is a writ, and it lyeth where any man lueth any other in the spirituall court, for any thing that is determinable in the kings court, and that is ordeyned by certain Statutes, and great punishment therfore ordeined, as it appeareth by the same Statutes, viz. that he shalbe out of the Kings protection, and that he be put in prison wythout bayle or mainprise, till that he haue made fine at the Kinges will, and that his lands & goods shall be forfait if he come not within two monethes. Also the prouisors, procurators, attur-

Præmunire.

PRemunire, est vn briefe, & gist lou ascun home sue ascun auter en court christian, pur ascun chose que est determinable en le court le Roy, & ceo est ordeine per certeine Statutes, & graund punishment a ceo ordeine, come appiert per mesme les statutes, cestascauoir, que il serra hors de protection le Roy, & que soit mis en prison sauns baile ou mainprise, tanque ils ad fait fine al volunt le Roy, & que ses terres & chateux serront forfaites si il ne veygne deins deux mois. Auxy lour prouisors, procurators, atturnies,

nies, executors, notaries, & mainteinors, serront punish en mesme le maner, Ideo vide Statutum.

Auxy ascuns dionte que si vn Clerke sue auter hõe en court de Rome pur chose spiritual, lou il poit auer remedie deins cest Realme en court son Ordinarie, que il serra en case de le statute.

Et sur diuers auters offences est impose per statutes depuis fait le penaltie que eux incurre queux fueront attaintes en Premunire: Come per 13. El. cap. 8. ceux que aydont a faire corrupt bargaine sur que vsurie est reserue ouster x. li. pur le hundred en lan &c.

350 *Precipe in capite.*

PRecipe in capite, est vn briefe, & gist lou le tenant que tient del Roy en chiefe, come de sa corone, & il est deforce, cest adire, ouste de son terre, donques il auera cest briefe, & cest briefe serra close, & serra plede en le common bank.

Auxy si ascun tenant que

mes, executors, notaries, & mainteinors, shall be punished in the same maner, Therfore look the statute.

Also some men say, that if a Clerke sue an other man in the court of Rome for a thing spirituall where he may haue remedie within the realm in the court of his Ordinary, that he shal be within the case of the stat.

And vpon diuers other offences is imposed by Statute lately made the penaltie that they incurre which are attainted in premunire. As by 13. Eliz. cap. 8. they which are ayding to make a corrupt bargaine whereupon vsurie is reserued aboue the x. poundes in the hundred in the yeere &c.

Precipe in capite.

PRecipe in capite, is a writt, and it lyeth where the tenant holdeth of the King in chiefe, as of his crowne, & he is deforced, that is to say, put out of his land then he shal haue this writ, & this writ shal be close, & shall be pleaded in the common place.

Also if any tenant which holdeth

holdeth of any lord be deforced, it behoueth him to sue a writ of Right patent which shall be determined in the Lords court. But if the land be holden of the king, the writ of right patent shal be brought to the kings court: & this Writ may be remooued from the Lords court vnto ꝑ cõty be a Tolt, & from the cõtie into the common place by a Pone. Looke therfore before in the title Droit.

351 *Prescription.*

PRescription, is when a man claimeth any thing for that he, his ancestors, or predecessors, or they whose estate he hath, haue had or vsed any thing all the time, whereof no mind is to the contrarie.

But one may not prescribe against a Statute, except he haue another Statute that serueth for him.

352 *Presentment.*

PResentment, is of two significations: one is presentment to a Church, which whē ante mā which hath right to giue any benefice spirituall, & nameth the person to the Bishop

tient de aſcun Seigniour ſoit deforce, luy couient ſuer briefe de Droit patent que ſerra determine en le court le Seigniour. Mes ſi le terre ſoit tenus del Roy, le brief de droit patent ſerra port en al court de Roy. Er ceſt briefe poit eſte remoue de la court le Seigniour en le county per vn Tolt, & de la county en common bank p vn Pone. Ideo vide deuaunt titulo Droit.

Preſcription.

PReſcription, eſt quaunt vn perſon claime aſcun choſe, pur ceo que il, ſes anceſtors, ou predeceſſors, ou ceux que eſtate il ad, ont ew ou vſe aſcun choſe dont nul memorie curt al contrarie.

Mes ne poyt preſcribe enconter vn eſtatute, ſinon que il ad autre ſtatute que ſerue pur luy.

Preſentment.

PReſentment, eſt equivocum: lun eſt preſentment al Egliſe, quel quant aſcun home que ad droit a doner aſcun benefice ſpirituall, & noſme le perſon al Eueſque

a que il voyt le doner, & fayt vn letter al Eueſque pur luy, ceo eſt vn preſentation ou preſentmẽt. Mes ſi diuers coheires ne poyent accorder en preſentmẽt, le preſentee de leigne ſerẽ admitte. Mes de Ioyntenants & tenants en common, ſi ils ne accordent deins les ſize moys, le Eueſque preſentera per laps.

Lauter eſt vn preſentment ou Information per aſcũ Iurie en vn Court, deuant aſcun officer la q̃ ad auctoritie de punisher aſcũ offence fait contr̃ le ley.

353 *Pretenſed droit ou Title.*

PRetenſed droit ou Title, eſt lou vn eſt en poſſeſſion de terres ou tenemẽts, & vn auter que eſt hors de poſſeſſion, claime ceo, ou ſue pur ceo: Ore le pretenſed droit ou title eſt dit en luy, que iſſint ſue ou claime. Et ſi il puis vient a le poſſeſſion de meſme les terres ou tenementes, ſon droyt, ou title eſt annexe al terre & poſſeſſion, & nient donque appel droit.

to whom he will giue it, & maketh a writing to the Biſhop for him, that is preſentation or preſentmẽt. But if diuers coheires may not agree in preſentment, the preſentee of the eldeſt ſhall bee admitted. But if Iointenants & tenants in common, if they agree not within ſixe monethes, the Biſhop ſhall preſent by laps.

The other is a preſentment or informatiõ by any Iurie in a court, before any Officer which hath authoritie to punish any offence done contrarie to the law.

Pretenſed right or Title.

PRetenſed right or Title, is where one is in poſſeſſion of landes or tenements, & an other who is out of poſſeſſion, claymeth it, or ſueth for it: Now the pretenſed right or title is ſaid in him, who ſo doth ſue or claime. And if he afterward come to the poſſeſſion of the ſame landes or tenements, his right or title is annexed to the land and poſſeſſion, & not then called right.

934 *Priuie or Priuities.*

PRiuie or Priuities, is where a leafe is made to hold at wil, for yeares, for life or a feoffement in fee, and in diuers other cafes, now becaufe of this that hath paffed betweene theſe parties, they are called priuies in reſpect of ſtrangers betweene whome no ſuch dealings or conueyances hath bin.

Alſo if there bee Lord and tenaunt, and the tenaunt holdeth of the Lord by certaine ſeruice, there is a priuitie between them becauſe of the tenure, and if the tenant be diſſeiſed by a Stranger, there is no priuitie betweene the diſſeiſor and the Lorde, but the priuitie ſtill remaineth betweene the Lord and the tenaunt that is diſſeiſed, and the Lord ſhall auow vpon him, for that hee is his tenaunt in right & in the Iudgement of the law. Priuies are in diuers ſorts, as namely priuie in eſtate, priuies in bred, priuies in law, priuies in right, and priuies in blood.

Priuie ou Priuities.

PRiuie ou Priuities, eſt lou vn leaſe eſt fait a tener a volunt, pur ans, pur vie, ou vn feoffement en fee, & en diuers auters caſes, ore pur ceo de ceo que ad paſſe perenter ceux parties ils ſount appel priuies, en reſpect de eſtraungers perenter queux nul tiel conueyances ad eſtre.

Auxy ſi ſoyt Seigniour & tenaunt, & le tenant tient del Seigniour per certaine ſeruice, il y ad vn priuity perenter eux per cauſe de tenure, & ſi le tenaunt ſoyt diſſeiſie per vn eſtranger, il ad nul priuitie perenter le diſſeiſour & le Seigniour, mes le priuitie vncore demurt perenter le Seignior & le tenaunt que eſt diſſeiſie, & le Seigniour auowera ſur luy per ceo q̃ il eſt ſont tenaunt en droit, & en le iudgement del ley. Priuies ſont en diuers ſorts come noſment, priuies en eſtate, priuies en fait, priuies en ley, priues en droit, & priuies en ſange.

Priuies en eſtate, eſt lou vn leaſe eſt fait del manor de Dale al A. pur vie, le remainder al B. en fee, la & A. & B. ſon priuies en eſtate, car lour eſtates fueront fait ambideux al vn temps.

Et iſſint eſt en le primer caſe cy, ou vn leaſe eſt fait al volunt. pur vie, ou ans, ou vn feoffement en fee, les leſſes ou feffees ſont appel priues ẽ eſtate, & iſſint ſont lour heires &c.

Priuies en fait eſt lou vn leaſe eſt fait pur vie, & apres per vn auter fait, le reuerſion eſt graunt al vn eſtraunger en fee, ceſt grauntee del reuerſion eſt appell priuie en fait, pur ceo que il ad le reuerſion per fait.

Priuie en ley eſt lou il eſt Seignior & tenaunt, le tenaunt leſſa le tenauncie pur vie & moruſt ſauns heire & le reuerſion eſcheate al Seignior, il eſt dit priuie en ley, pur ceo que il ad ſon eſtate ſolement per le ley, ceſt a dire per eſcheate.

Priuies in eſtate is where a leaſe is made of the manor of Dale to I. for life, the remainder to W. in fee, there both I. & W. are priuies in eſtate, for their eſtates were both made at one time.

And ſo it is in the firſt caſe here, where a leaſe is made at will, for life or yeares, or a feoffement in fee, the leſſees or feffees are called priuies in eſtate, & ſo are their heires, &c.

Priuies in deede is where a leaſe is made for life, and afterward by an other deede the reuerſion is graunted to a Straunger in fee, this grauntee of the reuerſion is called priuie in deed, becauſe that hee hath the reuerſion by deed.

Priuie in law is where there is Lord and tenant, the tenaunt leſſeth the tenauncie for life and dyeth without heire, and the reuerſion eſcheates to the Lord, hee is ſaid priuie in law, becauſe that hee hath his eſtate only by the law, that is to ſay, by eſcheate.

Priuie

Priuie in right is where one possessed of a terme for yeares, graunteth his estate to another vpon condition, and maketh his executors and dieth, now these executors are priuies in right, for if the condition be broken, and they enter into the Land, they shall haue it in the right of their testator, and to his vse.

Priuie of blood is the heire of the feoffour or donor, &c.

Also if a fine be leuied, the heires of them that leuieth the fine are called priuies.

Priuie en droit est lou vn possesse dun terme pur ans, graunta son estate all vn auter sur condition, & fait ses executors & morust, ore ceux executors sont priues en droyt, car sile condition soyt enfreint, & ils entront en le terre, ils aueront ceo en le droit de lour testatour, & a son vse.

Priuie de sanke est le heire de le feoffour ou donor &c.

Item si vne fine soyt leuie, les heires de celuy que leuie le fine sont appelle priuies.

355 *Priuiledges.*

PRiuiledges, are liberties and franchises granted to an office, place, towne, or manor, by the Queenes great charter, letters patents, or act of Parlament: as Tolle, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Oredelfe, & diuers such like, for which look in their proper titles and places.

Priuiledges.

PRiuiledges, sont liberties & franchises graunt al vn office, lieu, ville, ou manor, per la graund charter del Roigne, letters pattents, ou act de Parlament: come Tolle, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Oredelfe, & diuers tielx semblables, p̄ queux veies en lour proper titles & lieux.

PRoces, ſont les brieſes & preceptz que iſſuant ſur le originall: Et in actions reals & perſonels ſont diuers ſorts de proces, car en actions reals proces eſt *Graunde Cape* deuant apparance: Ideo vide de ceo en le title *Petite Cape*.

Mes en actions perſonals, come en dette, treſpas, ou detinue, le proces eſt vn diſtreſſe, & ſi le Vicount returne Nihil habet in balliua &c. donques le proces eſt alias Capias, & pluries, & vn Exigent, & ils ſont appelles Capias ad reſpondendum. Auxy le Exigent ſerra ſinke foytes proclaimes, & ſi le partie nappeare il ſerra vtlage. Mes en diuers actions ſont diuers maners de proces, que eſt pluis alarge declar in Natura brevium.

Auxy ſont diuers auters proces apres apparance quaunt les parties ſont al iſſue pur faire lenqueſt apperer, come vn briefe de Venire facias, & ſils ne apperont al iour, donques vn briefe de Habeas corpora

PRoces, are the Writs & preceptz that goe vpon the originall: & in actions reals and perſonels there bee ſundrie ſortes of proces, for in actions reals the proceſſe is Graunde Cape, before appearance: therefore ſee of that in the title Petite Cape.

But in actions perſonals, as in debt, treſpaſſe, or detinue, the proces is a diſtreſſe, and if the Shiriffe returne Nihil habet in balliua &c. then the proces is alias Capias, and Pluries, and an Exigent, and they are called Capias ad reſpondendum. Alſo the Exigent ſhall bee proclaimed v. times, & if the party doth not appeare he ſhalbe outlawed. But in diuers actions there are diuers maner of proces, which at larg is declared in Na. br.

Alſo there are diuers other proces after apparance when the parties be at iſſue to make the inqueſt appeare, as a writ of Venire facias, and if they doe not appeare at the day, the a writ of Habeas corpora

Iurat

Iurat, and after a Writ of Distringas Iurat.

Also there are diuers other processe after iudgement, as Capias ad satisfaciendum, Capias vtlagatum, and Capias ad valentiam &c.

But Capias ad satisfaciendū, lyeth where a man is condemned in any debt or dammage, then he shall be arrested by this Writ, and put in prison without baile or maine prise, till he hath payed the debt & the damages.

But Capias vtlagatum, lyeth where one is outlawed, then he shall be taken by this Writ, and put in prison without baile or maineprise, for that he had the law in contempt.

Capias ad valentiam lyeth where I am impleded of certain lāds, & I vouch to warrantie another, and cannot barre the demaundant, so that the demaundant recouer against mee, then I shall recouer so much in value against the vouchee, & then shall goe forth this Writ.

Also there be other proces

Iurat & apres vn briefe de Distringas Iurat.

Auxy sont diuers auters proces apres iudgement, come Capias ad satisfaciendum, Capias vtlagatum, & Capias ad valentiam &c.

Mes Capias ad satisfaciendum gist lou vn home est condemne in ascun det ou damages, donques il serra arrest per cest briefe & mis en prison sans baile ou mainprise, tanque il ad payle det & les damages.

Mes Capias vtlagatum gist lou vn est vtlage donques il serra prise per tiel brief, & mis en prison sans baile ou mainepriſe, pur ceo que il ad fait contēpt encounter le ley.

Capias ad valentiā gist lou ieo sue implede de certain terre, & ieo vouch a garrantie vn auter, & il ne scauoit pas barre le demaundant, issint que le demaundant recouer vers moy, donques ieo recouera tant in value vers le vouchee, & donques issera cest briefe.

Auxy sont auters pro-

ces & briefes iudicials, come Fieri facias, Scire facias, & plusors autres: & ideo vide ceux en lour titles.

357 *Procheine amy.*

PRocheine amy, cst cõmunemẽt prise pur Gardian en socage, & est lou vn home seisie de terres tenus en socage morust, son issue deins age de xiiij. ans, donques le procheine amy, ou prochein de sanke a que les terres ne poyent vener ou discender, auera le gard del heire, & del terre, al vse solement del heire, tanque il vient al age de xiiij. ans: Et donques a tiel ans, le heire poit enter & luy ouste, & amesner luy de accompt: Mes en cest accompt il auera allowance pur toutes reasonable costs & expences bestow, ou sur le heire ou son terre.

Et le procheine amy ou procheine de sanke a que le inheritance ne poyt discender est issint deste entende: Si les terres discend al heire de son pere, ou ascun del sanke del part son pere, donques

cest e Writs iudicials, as Fieri facias, Scire facias, and many other: and therefore looke for them in their titles.

Next friend.

NExt friend, is commõly taken for Gardian in socage, & is where a man seised of lands holden in socage dieth, his issue with in age of xiiij. yeares, then the next friend, or next of kinne to whom the lands cãnot come or discend, shal haue the keeping of the heire, and of the lande, to the onely vse of the heire, vntill he come to the age of xiiij. yeares: And then at that yeeres he may enter and put him out, & bring him to accompt: But in that accompt hee shal be allowed for all reasonable costs & expences bestowed eyther vpon the heire or his land.

And the next friend or next of kinne to whom the inheritance cannot discend, is thus to be vnderstood: If the Landes discende to the heire from his Father, or ante of the kinne of his Fathers side, then the

the mother, or other of the Mothers side, are called the next of kinne to whom the inheritance cannot discend, for before that it shall so discend, it shall rather eschеat to the Lord of whom it is holden.

And so it is to be vnderstood where the lands come to the heire from his Mother, or any of the kinne of his mothers side, then the Father or other of the fathers side are called the next of kinne or whom the inheritance can not discend, but shall rather eschеat to the Lord of whom it is holden.

Otherwise Procheine amy is hee which appeareth in any Court for an enfant whych sueth any action, & aideth the enfant to pursue his suit: where of, see the Statutes of W.1.ca.47. & W.2.cap. 15. that an enfant may not make an Attourney, but the Court may admit the next freind for ꝑ plaintife, and a gardian for the enfant defendaunt as his Attourney.

le mere, ou auter del part le mere, sont appelle procheine de sanke a que le enheritance ne poit discender, car deuant que il issint discendera, il pluis tost escheatera al Seignior de que il est tenus.

Ex issint est deste entende lou les terres vient al heire de sa mere, ou ascun auter de sank del part sa mere, donques le pere ou auter del part son pere sont appelle le procheine de sanke a que le enheritance ne poit discend, mes pluis tost eschetera al Seignior de que il est tenus.

Autrement procheine amy est cestuy que appiert en ascun Court pur vn enfant que sue ascun action, & que ayde le enfant de pursuer son suit: dont, vide les Statutes de W.1 cap.47. & W.2. cap. 15. que vn enfant ne poit faire Attourney, mes le Court poit admitter le procheine amye pur le plaintife, & vn Gardian pur le enfant def. come son Attourney.

358 *Procedendo.*

PRocedendo, est vn brief, & gist lou ascun action est sue en vn Court, que est remoue a vn pluis hault, come al Chauncerie, banke le Roy, ou Common bank, per briefe de Priuiledge ou Certiorare, & si le defendaunt sur le matter monstre nad cause de priuiledge, ou si le matter en le bill sur que le Certiorare issuit ne soit bien proue, donques le plaintife auera cest briefe de Procedendo pur remaunder le matter al primer base Court, & la destre determine.

Procedendo.

PRocedendo, is a writ, & it lyeth where any action is sued in one Court, which is removed to a Court more high, as to the Chancery, the Kings bench, or Common place, by a writ of priuiledge or Certiorare, and if the defendant vpon the matter shewed, haue no cause of priuiledge, or if the matter in the bill whereupon the Certiorare issued be not well proued, then the plaintife shall haue this writ of Procedendo, for to send again the matter vnto the first base Court, & there to be determined.

359 *Prohibition.*

PRohibition, est vn brief, & gist lou home est emplede en court Christian de chose que ne touch matrimonie ne testament, ne merement dismes, mes que touche le corone nostr Seigniour le Roy, & cest briefe serra direct auxy bien al partie come al Iudge, ou son official, de eux prohibite que ils ne pursue ouster. Mes si

Prohibition.

PRohibition, is a writ, & it lyeth where a man is impleaded in the spiritual Court of the thing that toucheth not matrimonie nor testament, nor meerely tythes, but that toucheth the kings Crowne, & this writ shall be directed as well to the partie as to the Iudge, or his official, to prohibite them that they pursue no further. But if it

e appeare afterward to the Judges temporal, that the matter is to be determined in the spiritual Court, and not in the court temporal, then the partie shall haue a writ of Consultation, commanding the Iudges of the Court spirituall to proceede in the first plee.

360 *Protection.*

PRotection, is a writt, & it lieth where that a man will passe ouer the Sea in the kings seruice, then he shal haue this writ, and by this writ he shall be quite of all maner of plees between him & any other person, except plees of dower, Quare imped', assise of nouel disseisin, Darrein presentment, and Attaintes, and plees before Iustice in Eyre. But there be two writs of Protection, one cum clausula volumus, & an other cum clausula nolumus, as appeareth in the Register. Also a Protection shall not be allowed in any plee begun before the date of the protection, if it be not in vyages where the King himselfe shall passe, or other vyages

il appeare apres a les Iudges temporal, que le matter est destre determine en le spiritual Court, & nemy en le Court temporal, donque le partie auera vn bre de Consultation, commandant les Iudges de le Court spiritual de proceeder en la primer plee.

Protection.

PRotection, est vn briefe, & gist lou home voit passer ouster le mere en le seruice le Roy, donque il auera cest briefe, & per cest briefe il serra quite de tout maner des plees enter luy & ascun auter person, except plees de Dower, Quare impedit, Assise de nouel disseisin, vltime presentationis, & Attaintes, & plees deuaunt Iustices en Eire. Mes sont deux briefes de Protection, vn Cum clausula volumus, & lauter Cum clausula nolumus, vt appiert en la Register. Auxy Protection ne serra allowe en ascun plee commence deuaunt le date de la protection, si ne soit en vyages ou le Roy mesme passa, ou auters vyages

royals,

royals, ou en meſſage le Roy pur beſoigne de Realme. Auxy protection ne ſerra allowe pur vitailes achates pur le viage, dont le protection fait mention, ne en plees de treſpaſſe, ou de contracts fait puis le date de meſme le protection.

Mes nota que aſcun poit attacher ou commencer aſcun action reall vers ceſtuy que ayt tiel protection, & en ceo proceeder tanque le defendaunt veigne & monſtre ſon protection en le court, & ayt ceo allowe, & donques ſon plee ou ſuit ſerra mis ſans iour. Mes ſi apres il appiert que le partie que ad le protection ne va en le beſoigne pur que il eit ceo, donques le demaundant auera vn repeale de ceo. Et ſil va & retourne apres le beſoigne finie, le demandant auera vn reſummons de recontinue le former ſuit.

361 *Proteſtation.*

PRoteſtation, eſt vn form de pleading quant aſcun

royals, or in meſſages of the king for affaires of the Realme. Alſo a protection ſhall not ber allowed for victuall bought for the vyage, whereof the protection maketh mention, nor in plees of treſpaſſe, or of contractes made after the date of the protection.

But note that any may attach or begin any action reall againſt him that hath ſuch protection, and therein proceede vntill the defendant cometh & ſheweth his protection in the Court, & hath it allowed, and then his plee or ſuit ſhall goe without day. But if after it appeareth that the partie which hath the protection goeth not about the affaires for which he hath it, then the demandant ſhall haue a repeal thereof. And if he go and returne after the buſines ended, the demandant ſhall haue a reſummons to recontinue the former ſuit.

Proteſtation.

PRoteſtation, is a forme of pleading when any will

will not directly affirme, nor directly deny anything is alledged by another, or which he himself alledgeth. And it is in two sortes: One is, when one pleadeth any thing which he dare not directly affirme or that hee cannot pleade it for doubt to make his plee double: As in conueying to himselfe a title to any lande, hee ought to pleade diuers discents by diuers persons, and hee dare not affirme that all they were seised at the time of their death, or although hee could doe it, it shall be double to pleade two discents, of both which, euery one by himselfe may be a good barre: Then the defendant ought to plead & alleage the matter interlasing this word Protestando, as to say, that such a one dyed (by protestation) seised &c. and that is to be alleaged by protestation, & not to be trauersed by the other. In other Protestation is, when one is to answere to two matters, and yet by the law hee ought

ne voit directment affirmer, ne directment denier ascun chose quel est alleage per auter, ou que il mesme alleage. Et est en deux maners, lun est quant vn pleade ascun chose quel il ne osast directment affirmer, ou que il ne poit ceo pleder pur doubt de faire son plee double: Come si en conueying a luy title al ascun terre, il doit pleder diuers discentes per diuers persons, & il nosast affirmer que eux toutes fueront seisie al temps de lour mort, ou coment il ceo purroit, ceo serra double a pleder deux discents, de queux ambideux chescun aparluy poit estre bone barre: Donques le defendant doit pleder & alleager le matter enterlasant cest parol Protestando, come a dire, que tiel obijt (protestando) seisie &c. Et ceo est deste alleage per protestation, & nemy trauersable per lauter. Auter protestation est, quant vn est de responder al deux choses, & tamen per le ley il doit

pleder

pleder forſque a lun, donques en le primer part del plee, il dira, al vn matter Proteſtando, & non cognoſcendo, cel matter eſtre voier, & faire ſon plee ouſter per ceux parols, Sed pro placito dicit &c. & ceo eſt pur ſaluation al partie (que iſsint plede per proteſtation,) deſte conclude per aſcun matter alleage ou obiect encounter luy, ſur que il ne poit ioyner iſſue: Et neſt auter choſe mes vn excluſion del concluſion, car il que priſt le proteſtation exclude lauter partie de concluder luy. Et ceſt Proteſtation doit eſtoier oue le ſequel del plee, & nemy deſte repugnant, ou autrement contrarie.

to plead but to one, then in the firſt part of the plee, he ſhal ſay, to the one matter Proteſtando, & not cognoſcendo, this matter is to be true, and make his plee further by theſe words, Sed pro placito dicit &c. and this is for ſauing to the partie (that ſo pleadeth by proteſtation) to be concluded by any matter alleaged or obiected againſt him, vpon which he cannot ioine iſſue: And is no other thing but an excluſion of the concluſion, for he that taketh the Proteſtation excludes the other partie to conclude him. And thys Proteſtation ought to ſtand with the ſequell of the plee, and not to be repugnant, or otherwiſe contrarie.

362 *Purchaſe.*

PVrchaſe eſt le poſſeſsion que vn hõe ad en terres ou tenements per ſon act demeſn, meanes, ou agreement, & nemy per title de diſcent, de aſcun de ſes aunceſtors. Vide *Littleton* lib. 1. cap. 1.

Purchaſe.

PVrchaſe is the poſſeſſion that a man hath in lãds or tenements by his owne act, meanes, or agreement, and not by title of diſcent, from any of his aunceſtours. See Littleton lib. 1. cap. 1.

363 *Quale*

363 *Quale ius.*

QVale ius, is a writ, and it lyeth where an Abbot, Priour, or such other, should haue iudgement to recouer land, by the default of the tenant against whom the land is demanded, then before iudgement giuen, or execution awarded, this writ shall go forth to the Escheator to inquire what right he hath to recouer: And if it be found that he hath no right, then the Lord which should haue the land if the tenant had alyened in Mortmaine, may enter as into land alyened into Mortmaine, for this loosing by default is like to an alienation. See the statute Westminster 1. cap. 32.

But a writ of Ad quod dampnum lieth where one will giue landes to an house of Religion, then this writ shall go forth to the Escheator, to inquire of what value the land is, and what preiudice it shall be to the King.

Quale ius.

QVale ius, est vn briefe, & gist lou aſcun Abbot, Priour, ou tielx auters, aueront iudgement de reconer terre, per le default del tenant vers que le terre est demande, donques deuant iudgement done, ou execution agarde, ceſt briefe issera al Escheator pur enquirer quel droit il ad a recouer: Et si soit troue que il nad droit, donques le Seignior que duiſt auer le terre si le tenant vſt alien en Mortmaine, poit enter come en terre aliene en Mortmaine, car cel perder per default est semble a vn alienation. Vide le statute Weſtminſter le second capitulo 32.

Mes briefe de Ad quod dampnum gist lou vn voile doner terre al meason de Religion, donques ceſt briefe issera al Escheatour, pur enquirer de que value le terre est, & quel preiudice il ſerra al Roy.

364 *Quare eiecit infra terminum.*

QVare eiecit infra terminum, est vn briefe, & gist lou vn fait leasse a vn auter pur terme dans, & le lessour enfeoffa vn auter, & le feoffee ousta le termour, donques le termour auera cest briefe vers le feoffee. Mes si vn auter estraunger ouste le termour, donques il auera briefe de Eiectione firmæ vers luy. Et en ceux deux briefes il recouera le terme & ses dammages.

365 *Quare impedit.*

QVare impedit, est vn briefe, & gist lou ieo aye aduowson, & le Parson deuie, & vn auter presenta son clerke, ou disturbe de presenter, donques ieo auera le dit brief. Mes Assise de Darrain presentment gist, lou ieo ou mon auncestors ont presentdeuant. Et lou home poit auer Assise de darrain presentment, il poit auer vn Quare impedit, mes nemy contrarie.

Auxy si le plee soit dependant enter deux par-

Quare eiecit infra terminum.

QVare eiecit infra terminum, is a writ, and it lyeth where one maketh a lease to an other for terme of yeeres, and the lessor enfeoffeth an other, and the feoffee putteth out the termor, then the termor shall haue this writ against the feoffee. But if an other stranger put out the termor, then he shall haue a writ de Eiectione firmæ against him. And in these two writs he shall recouer the terme & his damages.

Quare impedit.

QVare impedit, is a writ, and it lyeth where I haue an aduowson, & the Parson dieth, & an other presenteth his clerke, & disturbeth me to present, then I shall haue the said writ. But Assise de Darrain presentment lyeth where I or my auncestors haue presented before. But where a man may haue an Ass. de Darrain presentment, he may haue a Quare impedit, but not contrary wise.

Also if the plee be dependent betwen two parties,

tion, and bee not discussed within sixe monthes, then the Bishop may present by lapse, & he that hath right to present, shal recouer his damages, as it appeareth by the statute of West. 2. cap. 5. therfore see the statute. Also if her that hath right to present after the death of the Parson, and hangeth no Quare impedit, nor Darraine presentment, but suffereth a stranger to vsurpe vpon him, yet hee shall haue a writ of Right of aduowson: But this Writ lyeth not, vnlesse hee claime to haue the aduowson to him and his heires in fee simple.

ties, & ne soyt discusse deins vj. moys, donques le Euesque presentera per laps, & cestuy que ad droyt de presenter, recouera dammages, come apiert per lestatut de West. 2. cap. 5. ideo vide statutum. Auxy si cestuy que ad droit de presenter apres le mort del Parson, & ne porta Quare impedit, ne Darraine presentment, mes suffer vn estraunge de vsurper sur luy, vncore il auera vn briefe de Droit daduowson. Mes cest briefe ne gist, si il ne claime dauer iauowson a luy & ses heires en fee simple.

386 *Quare incumbrauit.*

QVare incumbrauit, is a writ, and it lieth where two bee in plee for the aduowson, & the Bishop admitteth the clerk of one of them within the sixe monthes, then hee shall haue this writ against the Bishop. But this writ lyeth alway hanging the plee.

Quare incumbrauit.

QVare iucumbrauit, est vn briefe, & gist lou deux sont en plee pur iauowson, & Leuesque admitta le clerke dun de eux deins les vj. moys, donques il auera cest briefe vers le Euesque. Mes cest briefe gist touts soits pendant le plee.

387 *Quare intrusit matrimonio non satisfacto.*

QVare intrusit matrimonio non satisfacto, is

Quare intrusit matrimonio non satisfacto.

QVare intrusit matrimonio non satisfacto, est

vn briefe, & gist lou le Seignior profera conuenable mariage a son gard, & il refusa & entra en la terre, & soy martie a vn auter, donques le Seignior auera cest briefe vers luy.

368 *Quare non admisit.*

QVate non admisit, est vn briefe, & gist lou home ad recouer vn Aduowson, & il maunda son conuenable clerk al Euesque pur este admitte, & le Euesque ne voyle luy receiuer, donques il auera le dit briefe vers le Euesque. Mes briefe de Ne admittas gist, lou deux sont en plee, si le plaintife suppose que Leuesque voyt admit le clerk le defendant, donques il poyt auer cest brief al Euesque, luy commaundant que il ne luy admitte pendant le plee.

369 *Quarentine.*

QVarentine, est lou home deuie seisie de vii manner place & dauters terres, dont sa feme doyt estre endow, donques la feme tiendra se en le manner place, & la vne

a writ, & it lyeth where the Lord profferth conuenable mariage to his ward, and hee refuseth & entreth into the land, & marrieth himselfe to an other, then the Lorde shall haue this writ against him.

Quare non admisit.

QVare non admisit, is a writ, & it lyeth when a man hath recouered an aduowson, and he sendeth his couenable clerke to the Bishop to be admitted, and the Bishop will not receiue him, then hee shall haue the said writ against the Bishop. But a writ de ne admittas lieth, when two be in plee, if the plaintife suppose that the Bishop will admit the clerke of the defendant, then he may haue this writ to the Bishop, commaunding him not to admit him hauing the plee.

Quarentine.

QVarentine, is where a man dyeth seised of a manor place & other lands, whereof the wife ought to be endowed, then the woman may abide in the manor place, and there

of

of the store & profits ther-
of the space of fortie daies
within which time her do-
wer shall be assigned, as
it appeareth in Magna
Charta, cap. 6.

de le store & profits de ceo
per quarant iours, deins
quel tẽps son dower serra
a luy assigne come appiert
in *Magna Charta, Capitu-
lo 6.*

370 *Quid iuris clamat.*

QVid iuris clamat, is a
writ, and lyeth where
I graunt the reuersion of
my tenant for terme of life
by fine in the kings court,
& the tenãt will not attorn,
then the grantee shall haue
this Writ for to compell
him to atturne. But a
Writ of Quem redditum
reddit lyeth where I grãt
by fine a rẽt charge, or an
other rent which is not rẽt
seruice which my tenaunt
holdeth of mee, and the te-
nant will not atturne, then
the grauntee shall haue
this Writ. And a writ of
Per quæ seruitia lyeth in
like case for rent seruic.

Also if I graunt foure
diuers rents to one man, &
the tenant of the land at-
torneth to the grauntee by
payment of the peny, or of
an halfe peny in the name
of attornement of all the
rents, this attornmẽt shal

Quid iuris clamat.

Quid iuris clamat. est vn
briefe & gist lou ieo
grant le reuersion de mon
tenant a terme de vie per
fine in Court le Roy, & le
tenaunt ne voyt atturner,
donques le grauntee auera
cest briefe pur luy chaser
pur atturner. Mes briefe
de *Quem redditum reddit*
gist lou ieo graunt per fine
vn rent charge, ou auter
rent que nest rent seruice
quel mon tenant tejent de
moy, & le tenaunt ne voyt
atturner, donques le gran-
tee auera cest briefe. Et bř
de *Per quæ seruitia* gist en
semble case pur rent ser-
uice.

Auxy si ieo graunt iiij.
diuers rents a vn home, &
le tenaunt del terre attor-
na al grauntee per pay-
ment de vn denier, ou
vn male en nosme de at-
tornement de toutes ceux
rents, cest attornement luy

mittera en seisin de tout ceſt rent. Mes ceux iij. brieſes coūient eſtre port vers ceux que ſont tenants iour del note leuy, & vers nul auters.

put him in seisin of all the rent. But these iij. ought to bee brought gainst those which are nants at the day of leuied, & against no

Fiſtteene.

371 *Quinzime.*

QVinzime eſt vn payment graunt en Parliament al Roigne per les layes gentes, ceſtaſcauoir, le quinzime part de lour biens: Et fuit vſe en auncient temps deſte leuie ſur lour auers eſteants en lour terres, que choſe fuit mult troublous, & pur ceo a ore pur le plus parte, ceſt voy eſt alter, & ils vſe de leuie ceo per les Verges, ou Acre, ou auter meaſure de terre. Per reaſon de que il eſt a ore meins tronblous, & plus certaine que deuaunt il fuit. Et cheſcun ville & pays ſcient, quel ſumme eſt deſte paie parenter eux, & coment ceo ſerra raiſe. Nous legimus que Moyſes fuit le primer que number le people, car il number les Iſraelites, & pur ceo le primer Taxe,

FIfteene, is a payment graunted in Parliament to the Queene the temporaltie, the fifteenth part of goods: And it was in auncient time leuyed boon their going in their which thing troubleſome, and foze now foz the part, that way is and they vſe to leuie ſame by the garde, acre or other meaſure land. By meanes of it is now leſſe troubleſome, & moze certaine before it was. And Towne and Country know what ſumme be payed among them, how the ſame ſhall be ſed. We read that was the firſt that number the people, for he bred the Iſraelites, therefore the firſt

ſubſidie,

subsidie, tribute, or fifteene was inuented by him among ye Hebrues as Polidore Virgil doth thinke.

372 *Quod ei deforciat.*

QVod ei deforciat, is a writ, & it lyeth where the tenaunt in the Taile, tenaunt in Dower, or tenant for terme of life leeseth by default in any action, then he that leseth shall haue this Writ against him that recouereth, or against his heir, if he think that hee hath better right then hee which recouered. Vide the statute West. 2. cap. 4.

373 *Quod permittat.*

QVod permitat, is a writ, & it lyeth where a man is disseised of his common of pasture, and the disseisor alyeneth or dyeth seised, and his heire entreth, then if the disseisee dye, his heire shal haue this writ.

374 *Quo iure.*

QVo iure, is a writ, and it lyeth where a man hath had common of pasture in an other seuerall of late within the time of memorie, then he to whom

subsidie, tribute, ou quinzime fuit inuent per luy enter les Hebrues, come Polidore Virgile suppose.

Quod ei deforciat.

QVod ei deforciat, est vn briefe & gist lou tenant en le taile, tenaunt in dower, ou tenaunt a terme de vie perde per default in ascun action, donques cestuy que perde auera cest briefe vers celuy que recouera, ou vers son heire, si il entende que il auoit melior droit que il que recouera. Vide le statute Westminster 2. cap. 4.

Quod permittat.

QVod permittat, est vn briefe, & gist lou home est disseise de son common de pasture, & le disseisor alien ou deuie seisie, & son heire entra, donques si le disseisee deuie, son heire auera cest briefe.

Quo iure.

QVo iure, est vn briefe, & gist lou home ad ew common de pasture en auter seueral de darrein tẽps deins le temps de memorie, donques celuy a que

appertient la ſeuerall auera ceſt briefe, & il ſerra charge de monſtre per quel title il claime le common.

375 *Quo minus.*

QVo minus eſt vn briefe, & giſt lou vn home ad graunta a vn auter houſebote & heibote in ſon bois a prender cheſcun an, & celuy que ſeſoit le graunt fait tiel waſt & deſtruction que le grauntee ne poyt auer ſon reaſonable eſtouers, donques le grauntee auera le auauntdit briefe, & eſt en nature de briefe de waſt.

Et nota, que houſebote eſt appel certaine eſtouers pur amender la meaſon. Et heybote eſt certaine eſtouers pur amender heys & hedges.

Et eſt auter briefe, appel Quo minus, en le Eſchequer, quel aſcun fermor ou dettor al Roy auera vers aſcun auter pur dette ou treſpaſſe, en le Eſchequer en le office appelle le Common plees, per que le plaintife ſurmittera, que pur le tort, que le defendant fayt

belongeth the ſeueral ſhall haue this writ, and he ſhall bee charged to ſhew by what title he claimeth to common.

Quo minus.

QVo minus is a writ, it lyeth where a man hath graunted to another houſebote & heybote in his wood to take euery yeer, & he that made the graunt maketh ſuch waſt and deſtruction that the grauntee cannot haue his reaſonable eſtouers, then the grauntee ſhall haue the foreſaid writ, and it is in nature of a writ of waſte.

And note, that houſebote is called certain eſtouers to mende the houſe. And heybote is certaine eſtouers to mend heys and hedges.

And there is another writ called a Quo minus, in the Exchequer, which any fermor or dettor to the king ſhall haue againſt another, for debt or treſpas, in the Exchequer in the office called the common plees, by which the plaintife ſurmiſe, that for the wrong, which the defendant doth

to

in him, her is lesse able to pay the Queene her debt or terme, which is surmised to give Jurisdiction to the Court of Exchequer to heare & determine the cause of the suite betweene them, which otherwise should be determined in another Court.

376 *Quo warranto.*

QVo warranto is a writt, and it lyeth where a man usurpeth to haue any franchise vpon the king, then the king shall haue this Writt, to make him to come before his Justices, for to shew by what title he claymeth such franchise.

R.

377 *Rationabilibus diuisis.*

RAtionabilibus diuisis is a writt, and lieth where there are two Lordships in diuers Townes, and one nigh the other, and as parcell of one lordship, or of waste hath beene encrocht by little parcels, the same Lord from whō the parcel of ground or of wast hath bin encroched,

aluy, il est meines able a paier la Roigne sa det ou ferme, quel est surmise a a doner Iurisdiction all Court Deschequer, doyer & terminer la cause del sute enter eux, quel autermenr seroit determine en auter Court.

Quo warranto.

QVo warranto est vn brief, & gist lou home vsurpe dauer ascun fraunchise sur le Roy, donques le Roy auera cest briefe, de faire luy vener deuant ses Iustices, pur monstre per quel title il claime tiel frāchise.

R.

Rationabilibus diuisis.

RAtionabilibus deuisis est vn briefe, & gist lou sount deux Seigniories en diuers villes, & vn pres le auter, & ascun parcel de vn Seigniorie ou de waste ad este encrocht per petits parcels, & donques celuy Seigniour de quel parcel de terre, ou le waste ad este encroche

auera ceſt briefe enuers le Seigniour que ad iſſint encroche.

378 *Rebutter.*

REbutter eſt, quaunt vn p fayt ou fine graunt de garranter aſcum terre ou hereditament a vn auter, & ceſtuy, que ſiſt le garrantie, ou ſon heire ſua celuy a que le garrantie eſt fayt ou ſon heire ou aſſignee, pur meſme le choſe, ore, ſi celuy que eſt iſſiint ſue, plede encounter ceſtuy que ſua, le dit fayt ou fine oue garrantie, & demaund iudgement, ſi encounter ceſt 'garrantie, le plaintiſe ſerra reſceiue a demaunder le choſe quel il doyt garranter, encounter cel garrantie per le fayt ou fine auaunt diſt compernant tiel garrantie, tiel pleder del garranty eſt appel vn Rebutter.

379 *Rediſſeiſin.*

REdiſſeiſſin, Vide de ceo denaunt en le title Aſſiſe.

380 *Regrator.*

REgrator eſt celuy que ad blees, vittailes, ou auters choſes ſufficient

ſhall haue this Writ a gainſt the Lord that hath ſo encroched.

Rebutter.

REbutter, is when one by deede or fine graunteth to warrant any land or hereditament to an other, and he, which maketh the warranty, or his heire ſue him to whom the warrante is made, or his heire or aſſignes for the ſame thing: now if he which is ſo ſued, pleadeth againſt him which ſueth the ſame deed or fine with warrantie, and demaunde iudgement if the plaintife ſhall bee receiued to demaunde the thing which hee ought to warrant, againſt that warrantie by the deede or fine aforeſaid comprehending ſuch warrantie, ſuch pleading of the warrantie is called a *Rebutter.*

Rediſſeiſin.

REdiſſeiſin, Look of that before in the title Aſſiſe.

Regrator.

REgrator is he that hath corne, victuals, or other thinges ſufficient for

for his owne necessarie need, occupation, or spending, and doth neuertheless ingrosse and buy vp into his handes more Corne, vittayles, or other such things, to the intent to sell the same against at a higher & deerer price, in fayres, markets, or such like places: whereof see the statute 5. E. 6. cap. 14. for he shall be punished as a Forestaller.

381 *Reioinder.*

REioinder, is when the defendant maketh answere to the replication of the plaintife.

And euery Reioinder ought to haue these two properties specially, that is to say, it ought to be a sufficient aunswere to the replication, & also to follow & enforce the matter of the barre.

382 *Relation.*

RElation, is a term in law, where, in consideration of law, two times, or other things, are considered so, as if they were al one, and by this, the thing subsequent is said to take his effect, by relation,

pur son necessarie oeps occupation, ou expences, & nient obstant engrosse, & achate en ses maines plus blees, vitailes, ou auter tielx choses, al entent de vender ceo arrere al vn plus hault & chare price, en Faires, Markets, ou tiels semblables lieux: De que vide le statute 5. Edw. 6. cap. 14. car il serra punie come Forestaller.

Reioinder.

REioinder, est quant le defendant fait respons al replication del plaintife.

Et chescun Reioinder doit auer ceux deux properties specialment, cest-ascauoir, il doit estre vn sufficient respons al replication, & auxy de subsequer & enforcer le matter del barre.

Relation.

RElation, est vn terme en ley, lou, en consideration del ley, deux temps, ou auters choses, sont consideres tielm̃t, come si fueront tout vn, & per ceo, le chose subsequẽt est dit de prẽdr̃ son force, ꝑ relation,

al

al temps precedēt: Sicome vn deliuer vn eſcript al vn deſtre deliuer al auter cōe fait ceſtuy que ceo deliuer, quant lauter, a que ſerroit deliuer, ad paie aſcun ſumme de money, ore, quant le money eſt paie, & leſcript deliuer, ceo ſerra repute come fait de ceſtuy que ceo deliuera, al temps quant fuit primes deliuer. Et iſſint petitions de parlement, as queux la Roygne aſſent al darrain iour del parlement, aueront relation & prendront lour force del primer iour del commencement del parlement. Et iſſint eſt de diuers auters choſes ſemblables.

383 *Releaſe.*

RElease, eſt le done ou diſcharge del droit ou action q̄ aſcū eit ou claime enuers auter, ou ſon terre.

Et le releaſe de droit eſt cōmunemēt fait quant vn feſoit vn fait a vn auter per ceux ou tielx parolx, Remiſiſſe, relaxaſſe, & omnino pro me & hæred' meis quietū clamaſſe A. B. totū ius meum quod habui, ha-

at the time preceding: So if one deliuer a writting to one to be deliuered to an other as the deed of him who deliuered it, to another, to whom it ſhould be deliuered, hath paid a ſumme of money, Now, when the money is paid, the writting deliuered ſhall be taken as the deed of him who did deliuer it, at the time when it was firſt deliuered. And ſo petitions of parliament, to which the Queene aſſents on ꝑ laſt day of parlement, ſhall relate and be of force from the firſt day of the beginning of the Parliament. And ſo is it of many other like things.

Releaſe.

RElease, is the giuing or diſcharging of ꝑ right or action which any hath or claimeth againſt an other, or his land.

And the releaſe of right is cōmonly made whē one maketh a deed to an other betheſe or like words, I the ſaid, releaſed, & vtterly for me & my heires quite claimed to A. B. all my right that I haue, or by any

any meanes may haue here after in one meſuage &c. By theſe words (whatſoeuer I may haue hereafter) be void: For if the father be diſſeiſed, and the ſame releaſe by his deede of releaſe without warrantie all his right, by theſe words, (whatſoeuer I may haue hereafter &c.) the father dieth, the ſon may lawfully enter in the poſſeſſion of the diſſeiſor.

Alſo in a releaſe of right it is needfull that he to whom the releaſe ſhall be made, haue a freehold, or a poſſeſſion in the landes in deed or law, or a reuerſion, at the time of the releaſe made, for if he haue nothing in the land at the time of the releaſe made, the releaſe ſhall not be to him auailable. See more hereof in Litt. lib. 3. cap. 8.

384 *Reliefe.*

RElieſe, is ſometimes a certaine ſumme of money that the heire ſhal pay to the Lord of whom thoſe landes are holden, which after the deceaſe of his anceſtour are to him diſcended as next heire. Thomas

beo, ſeu quouiſmodo in futurum habere potero in vno meſuagio &c. Mes ceux parolx (quouiſmodo habere potero) ſont voides: Car ſi le pere ſoit diſſeiſie, & le fites releaſe p ſon fait de releaſe ſans garrantie de tout ſon droit, per ceux parolx (quouiſmodo in futurum habere potero &c.) & le pere moruſt, le fits poit loyalment enter ſur le poſſeſſion le diſſeiſor.

Auxy en vn releaſe de droit il couient que il a que releaſe ſerra fait, ad vn frankrenement, ou vn poſſeſſion en les terres en fait ou en ley, ou vn reuerſion al temps de le releaſe fait, car ſil nad riens en le terre al temps de releaſe fait, le releaſe ne ſerra a luy auailable. Vide plus de ceo Littleton lib. 3. cap. 8.

Reliefe.

RElieſe, eſt aſcun foits vn certaine ſumme de money que le heire paiera al Seigniour de que ceux terres ſont tenus, queux aps le deceaſe de ſon anceſtor ſont a luy diſcende come procheine heire, Aſcun

cun foits il eſt le payment dun auter choſe, & nemy money: Et pur ceo reliefe neſt certaine & ſemblable pur toutes tenures, mes cheſcun ſundrie tenure ad (pur le plus part) ſon ſpeciall reliefe certaine en luy meſme. Neque eſt ceo deſtre paie touts foits al vn certaine age, mes il varie en ceo auxy accordant al tenure. Come ſi le tenãt ad terres tenus p ſeruice de chiualer (forſprise graund Serieantie) & moruſt, ſon heire eſteant de plein age, & tient ſes terres per le ſeruice dun entier fee de chiualer, le Seigniour de que ceux terres ſont iſſint tenus, auera del heire C.s. nomine releuij, & ſi il tient per meins que vn fee de chiualer, il paiera meins, & ſi plus, donques plus, ayant reſpect touts foits al rate pur cheſcun fee de chiualer vn cent ſouz. Et ſi tient per graund ſerieantie (que eſt toutes foits del Roigne, & eſt auxy ſeruice de chiualer,) donques le reliefe ſerra le value del terre per an, preter toutes charges iſſuant

times it is the payment of an other thing, & not money: And therfore reliefe is not certaine, and alſo for all tenures, but euery ſundry tenure hath (for the moſt part) his ſpecial Reliefe certain in it ſelf. Neither is it to be paied at wates at a certaine age, but varieth therin alſo according to the tenure. As if the tenant had lands holden by knightes ſeruice (except graund Serieantie) and die, his heire being at full age, & holds his land by the ſeruice of a whole knightes fee, the lord of whom theſe lands are ſo holden ſhall haue of the heire C.s. in the name of the Reliefe, & if he hold by leſſe then a knightes fee, he ſhal pay leſſe, & if more, then more, hauing reſpect alwayes to the rate for euery knightes fee an hundred ſhillings. And if he held by graund Serieantie (which is alwaies of the Queene, & is alſo knightes ſeruice) then the reliefe ſhal be the value of the land by the yeare, beſides all charges iſſuing

out of the same. And if the landes be holden in petit Serieantie, or in socage, then for the reliefe the heir shall pay at one time, as much as he ought to pay yearely for his seruice, which is commonly called the doubling of the rent.

Also if a man hold of the King in chiefe, and of other Lordes, the king shall haue the warde of all the lands, & the heire shall pay reliefe to al the Lords at his full age: but ye lords shall sue to the King by petition, and shal haue the rent for the time that the Infant was in ward.

And note, that alwaies when the reliefe is due, it must be paid at one whole payment, & not by parts, although that the rent be to be paied at seuerall feastes.

385 *Remainders.*

REmainder of land is the land that shall remaine after the particuler estate determined: As if one graunt land for terme of yeres, or for life, ye remainder to I. S. that is to say,

hors de ceo. Et si le terre soit tenus en petit Serieantie, ou en socage, donques pur le reliefe le heire payera al vn foits taunt que il doit payer annualment pur son seruice, quel est communement appelle le doubling del rent.

Auxy si home tient de le Roy en chiefe, & des auters Seigniours, le Roy auera le garde de touts les terres, & le heire paiera reliefe a touts les Seigniours a son pleine age, mes les Seigniors suera al Roy per petition, & aueront le rent pur le temps que le Enfant fuit en garde.

Et nota, que touts foits quant le Reliefe est due, il doit este paie al vn entier payment, & nemy per parts, nient obstant que le rent soit deste pay al seueral feastes.

Remainders.

REmainder de terre est le terre que remainera apres le particuler estate determine: Come si vn graunt terre pur terme de ans, ou pur vie, le remainder al I. S, cest adire,

que

que quant le leafe pur ans eſt determine, ou le leſſee pur vie eſt mort, que donques le terre remaynera, ſerra, ou abide, oue, al, ou en I.S. Vide Reuerſion.

386 *Remitter.*

REmitter, eſt quant vn home ad deux titles a aſcun terre, & il vient al terre per le darreine title, vncore il ſerra adiudge eins per force de ſon pluis eigne title, & ceo ſerra dit a luy vn Remitter: Come ſi tenant en le taile diſcontinua le taile, & puis diſſeiſe ſon diſcontinuee & moruſt ent ſeiſi, & les terres diſcendont a ſon iſſue ou coſin inheritable per force del taile, en ceo caſe il eſt en ſon remitter, ceſt aſcauoir, ſeiſie per force del taile, & le title del diſcontinuee eſt ouſterment anient & defeate, Et le reaſon & cauſe de tiel remitter eſt, pur ceo q̄ tiel heire eſt tenant del terre, & neſt aſcun perſon tenant vers que il poit ſuer ſon briefe de Formedone pur recouer le eſtate taile, car il ne puit auer action vers luy meſme.

that when ꝑ leas for perus is determined, or leſſee for life is dead, that then the land ſhal remaine, ſhal by, or abide, with, to, or in I. S. See Reuerſion.

Remitter.

REmitter, is when a man hath two titles to any land, & he commeth to the land by the laſt title, yet he ſhall be iudged in by force of his elder title, and that ſhall be ſaid to him a Remitter: As if the tenant in the taile diſcontinue the taile, & after diſſeiſeth his diſcontinuee & dyeth ſeiſed of the ſame, & the lands diſcendeth to his iſſue or coſin inheritable by force of the taile, in that caſe he is in his Remitter, that is to ſay, ſeiſed by force of the taile, & the title of the diſcontinuee is voyded, and nulled & defeated, and the reaſon & cauſe of ſuch remitter is, for that that ſuch an heir is tenāt of ꝑ land, & there is no perſon tenāt againſt whom he may ſue his writ of Formedon for to recouer the eſtate taile, for he may not haue an action againſt himſelfe.

Title

Also if tenaunt in the taile infeoffe his sonne or heire apparant in the taile which is within age, and after dyeth, that is a Remitter to the heire: But if he were of full age at the time of such feoffement, it is no remitter, for that that it was his folly, that he being of full age, would take such a feoffement.

Also if the husband assigneth that he hath in the right of his wife, and after take an estate again to him and to his wife for terme of their lives, that is a remitter to the woman, for that that this alienation is the act of the husband, & not of the woman, for no folly may be adiudged in the woman during the life of her husband: But if such alienation be by fine in court of record, such a taking again afterward to the husband & wife for term of their lives shal not make the woman to be in her remitter, for that in such a fine the woman shall be examined by the Judge, & such examination in fines shall exclude

Auxy si tenant en le taile enfeoffa son fits ou heire apparant en le taile que est deins age, & puis deuie, ceo est vn remitter al hēr: Mes si il suit de plein age al temps de tiel feoffemēt, il nest Remitter, pur ceo que il suit son folly, que il esteant de pleine age, voile prender tiel feoffement.

Auxy si le baron alien terre que il ad en le droit son feme, & puis repriſt estate a luy & a son feme pur terme de lour vies, ceo est vn Remitter al feme, pur ceo que ceſt alienation est le act le baron, & nemy lact de la feme, car nul folly poit este adiudge en la feme durant le vie le baron: Mes si tiel alienation soit per fine en court de recorde, tiel repriſel apres al baron & feme pur terme de lour vies, ne ferra la feme destre en sa Remitter, pur ceo que en tiel fine la feme ſerra examine per le Iudge, & tielx examinations en fynes excluderont

tielz

tiels femes a touts iours.

Auxy quant le entre de ascun home est congeable, & il prist estate a luy quant il est de plein age, sine soit per fait endente, ou matter de record, que luy estoppera, ceo serra a luy bon Remitter.

387 *Rents.*

RENts, sõt en diuers maners, cestascauoir, Rent seruice, Rent charge, & Rent seck.

Rent seruice, est lou le tenant en fee simple tient sa terr̃ de son Seignior per fealtie & certain rent, ou per auter seruice & rent, & dongs si le rent de le tenãt soit arrere, le Seigniour poit distraine pur le rent: Mes pur ceo il iammais nauera action de dette.

Auxy si ico done terres en le taile a vn home payant a moy certain rent, ore tiel rent est rent seruice: Mes en tiel case il couient que le reuersion soit en le donor: Car si home fait feoffement en fee, ou vn done en taile, le remainder ouster en fee sans fait, reseruant a luy vn rent, tiel reseruation est void,

such women for ever.

Also when the entre of any man is lawful, & he taketh an estate to him when he is of full age, if it be not by deed indented, or matter of record, which may estoppe him, that shall be to him a good Remitter.

Rents.

RENts, be in diuers maners, that is, Rent seruice, Rent charge, and Rent seck.

Rent seruice, is when the tenant in fee simple holdeth his land of the Lord by fealtie & certain rent, or by other seruice & rent, and then if the rent of the tenant be behind, the Lord may distrein for the rent: But for that he shall not haue an action of debt.

Also if I giue land in taile to a man paying to me certaine rent, then such rent is rent seruice: But in such case it behoueth that the reuersion be in the donor, for if a man make a feoffement in fee, or a gift in tail, the remainder ouster in fee without deed, reseruing to him a certain rent, such reseruation is void,

and

and that is by the statute Quia emptores terrarum, and then hee shall hold of the Lord of whom his demaine held.

But if a man by deed indented at this day make such gift in tayle, the remainder ouer in fee, or in tayle for terme of life, the remainder ouer, or a fee simple, & by the same indenture reserue to him rent, & that if the rent be behind, that well it is lawfull to him to distraine, then such rent is rent charge.

But in such case, if there bee not any such clause of distresse in the deed, then such rent is called rent seck, & for such rent seck he shall haue distraine, but if hee were once seised, hee shall haue assise, & if he were not seised, he is wout remedie.

Also if one graunt a rent going out of his land with clause of distres that is rent charge, and if the rent be behind, the graunter may chuse to distraine or sue a writ of Annuitie, but hee cannot haue both, for if hee bring a Writ of Annuitie, then the land is

& ceo est per force del statute Quia emptores terrarum, & donques il tiendra de le Seignior de que son donour tenoit.

Mes si home per fait indent a cel iour fait tiel done en le taile, le remainder ouster en fee, ou lessa p̄ terme de vie le remainder ouster, ou vn feoffement, & per mesme lendenture reserua a luy vn rent, & que si le rent soyt arrere, q̄ byen lirroit a luy a distrainer, ore tiel rent est rent charge.

Mes en tiel case, si la ne soyt ascun tiel clause de distresse en le fait, donques tiel rent est appel rēe seck, & pur tiel rent seck, il ne iammais distrainera, mes si fuit vn fois seisi, il auera Assise, & si il iammais ne fuit seisi, est sans remedy.

Auxy si vn graunt vn rent issuant hors de sa terre ouc clause de distresse, cest vn rent charge, & si le rent soit arrere, le grauntee poyt eslier de distrainer ou suer vn briefe Dannuitie, mes il ne poyt auer ambideux, car sil port briefe de Annuity, donqs le terre est

discharge. Et si il distrain & auowe le prisell en court de recorde, donques le terre est charge, & le person del grauntor discharge,

Auxy si vn grant vn rent charge, & le grauntee purchase le moytie, ou ascun auter part ou parcel de le terre, de quelque petite value que il soyt, donqs tout le rent est extinct.

Mes en rent seruice si le Seigniour purchase parcel del terre, donques le rent serra apporcion.

Mes si vn ad vn rent charge, & son pere purchase parcel del terre, & cel parcel discende a le fits que ad le rent charge, ore cel rent serra apporcion solonque le value del terre, come est dit de rent seruice, pur ceo que le fits ne vient a ceo per son act demesne, mes per discent,

Auxy si ieo face vn lease pur terme dans reseruant a moy vn certaine rent, cest appel vn rent seruice, & pur ceo il est a mon libertie a distrainer pur le rent, ou auer vn action de

discharged. And if he distraine and auow the in the Court of record, then the land is charged, and the person of the grauntor discharged.

Also if one grant a rent charge, and the grauntee purchaseth halfe, or any other part or pareel of the land, of whatsoeuer small value it be, then al the rent is extinct.

But in rent seruice if the Lord purchase parcell of the land, then the rent shall be apportioned.

But if one hath a rent charge, & his father purchase parcell of the land, and that parcel discendeth to the sonne which hath the rent charge, then the rent shall bee apportioned according to the value of the land, as it is said of rent seruice, for that that is commeth to that not by his owne act, but by discent.

Also if I make a lease for terme of yeeres reseruing to me a certaine rent, that is called a rent seruice, & for that it is at my libertie to distrain for the rent, or to haue an actiō of debt,

dete, but if the leafe be determined, and the rent bee behind, then I cannot diſtreine, but ſhall be put to my action of debt.

And note well, that if the Lord bee ſeiſed of the ſeruice and rent beforeſaide, and they be behinde, and he diſtrain, and the tenant reſueth the diſtreſſe hee may haue Aſſiſe, or a writ of Reſcous, but it is more neceſſarie for him to haue aſſiſe the a writ of reſcous for by aſſiſe he ſhall recouer his rent and his dammages, but by a writ of reſcous hee ſhall not recouer his damages, & the thing diſtrained ſhalbe repriſed.

And note well, that if the Lord bee not ſeiſed of the rent and ſeruice, and they be behind, and he diſtrain for them, and the tenaunt take again the diſtreſſe, he ſhall not haue aſſiſe, but a writ of Reſcous, and the Lord ſhall not nede to ſhew his right.

And note well, that if the Lord may not finde a diſtres by two yeare, hee ſhal haue againſt the tenaunt a writ of Ceſſaunt per bien-

det mes ſi le leaſe ſoit determine, & le rent ſoit arrere donques ieo ne puiſſe diſtreine, mes ſerra myſe a mon action de det.

Et nota que ſi le Seigniour ſoyt ſeiſie des ſeruices & rent auauntditts, & ils ſoyent aderere, & il diſtrain, & le tenaunt reſcue le diſtreſſe, il poyt auer aſſiſe. ou briefe de reſcous. Mes il eſt plus neceſſarie pur luy de auer aſſiſe, que briefe de reſcous, pur tant que per Aſſiſe il recouera ſon rent & ſes dammages, mes per ceſt briefe de reſcous il ne recouera mes dammages, & le choſe diſtrain ſerra repriſe.

Et nota que ſi le Seigniour ne ſoyt my ſeiſie del rent & ſeruice, & ils ſont aderere, & il diſtraine pur eux, & le tenaunt reprent le diſtreſſe, il ne poyt my auer aſſiſe, mes briefe de reſcous, & ne coment my al Seigniour de monſtre ſon droit.

Et nota que ſi le Seigniour ne poyt my trouer diſtreſſe per deux ans, il auera vers le tenaunt briefe de *Ceſſauit per bien-*

nium, vt patet per le ſtatute de Weſtminſter 2. Cap. 21. Et ſi tenaunt deuie en le meane temps & ſon iſſue enter, le Seignior auera vers le iſſue brē dentre ſur Ceſſauit, ou ſi le tenaunt alien, le Seignior auera vers le alienee le auauntdit briefe. Mes ſi le Seignior ad iſſue & deuie, & le tenaunt ſoyt in arrerages de dit rent & ſeruices en le temps le pier del iſſue & nemy en le temps del iſſue, il ne poyt my diſtreine pur arrerages en temps ſon pier, & il nauera aſcun auter recouerie vers le tenaunt ou aſcun auter, pur ceo que tiel aduauntage eſt done per le ley al tenaunt. Et nota qne rent ſeruice eſt ceo, a quel appent fealtie, mes a rent charge & rent ſecke ne appent pas fealtie, mes il appent a rent ſeruice de common droit.

Et nota ſi home diſtraine pur rent charge, & le diſtres ſoyt reſcu de luy, & il ne funt mie ſeiſie aduauant, il ne ad my recouerie forſque per

nium, as it appeareth by the ſtatute of Weſt. 2. 21. And if the tenaunt d in the meane time and his iſſue enter, the Lord ſhal haue againſt ẏ iſſue a writ of Entre vpō Ceſſauit, & if the tenant alien the lord ſhal haue againſt ẏ alienee the foreſaid writ. But if the Lord haue iſſue & die, and the tenaunt be in arrages of the ſaid rent and ſeruice in the time of the father of the iſſue, and not in the time of the iſſue, he may not diſtraine for the arrerages in ẏ time of his father, & he ſhal haue non other recouery againſt the tenāt or any other, for that that ſuch aduantage is given by ẏ law to the tenant. And note well that rent ſeruice is that to ẏ which belongeth fealtie, but to rent charge and rent ſecke belongeth not fealty, but it belongeth to rent ſeruice of common right.

And note that if a man diſtrain for rent charge, & the diſtres be takē againſt his will from him, and he was never ſeiſed before, he hath no recouerie but by writ

writ of Reſcous for the diſtreſs firſt take̅ gueth not to him ſeiſin, only if he hap the rent before, for if hee were ſeiſed of the rent before, and after the rent bee behind, and he diſtraine, & reſcous to him be made, he ſhall haue Aſſiſe, or a writ of Reſcous.

And note wel that in every Aſſiſe of rent charge and annuall rent, or in a writ of Annuitie, it behoueth to him that bringeth the Writ to ſhew forth an eſpecialtie, or elſ hee ſhall not maintaine the Aſſiſe. But in an Aſſiſe of Mortdauncеſtor, or Formedon in the diſcender, or other Writs (in the which title is giuen or compriſed) brought of rent charge, or annual rent, it needeth not to ſhew the eſpecialtie.

And note well, that if a man graunt a rent charge to an other, & the grauntee releas to the grantor parcell of the rent, yet all the rent is not extinct.

And note well, that if rent charge be granted to two ioyntlie, and the one releaſe, yet the other ſhall

briefe de Reſcous, car le diſtreſſe primerment fayt ne done a luy ſeiſin, forſq; ſil happe le rent adeuaunt, car ſil fuit ſeiſie del rent adeuant & puis le rent ſoit aderere, & il diſtraine, & reſcous a luy ſoit fait, il auera Aſſiſe, ou briefe de Reſcous.

Et nota, que en cheſcun aſſiſe de rent charge & annual rent, ou en vn bre̅ de Anunitie', couient a celuy que port le briefe de monſtre auaunt vn eſpecialtie, ou autrement il ne maintenera le Aſſiſe. Mes en Aſſiſe de Mortdauncеſtor, ou Formedō en le diſcender, & auters brieſes, (en les queux title eſt done ou compriſe) port de rent charge, ou de annual rent, neſt my beſoigne de monſtre eſpecialtie.

Et nota bien, que ſi home graunt rent charge a vn auter, & le grauntee releſſa al grauntor parcell de le rent, vncore tout le rent neſt extinct.

Et nota bien, que ſi rent charge ſoyt graunt a deux ioyntment, & le vn releſſa, vncore le auter

auera le moytie del rent. Et auxy si lun purchase le moytie de le terre dont le rent est isluant, lauter auera le moytie del rent de son compaignion. Et si le disseisour charge la terre a vn estraunge, & le disseisee port le assise & recouer le charge est defeat. Mes si celuy que ad droyt, charge la terre,& vn estraunge faine vn faux action enuers luy que nad droyt, & recouer per default, le charge demurra.

Et nota bien, q̄ en case que purpartie soyt perenter deux parceners, & plnis terre soyt allotte a lun que a lauter, & el que ad pluis del terre, charge sa terre al auter, & el happe le rent el mainetainera Assise sans especialtie.

Et est vn rent seck, lou home tyent de moy per homage, fealty, & auter seruices,rendant a moy vn certain rent per an, & ieo graunt cest rent a vn auter, reseruant a moy les seruices.

Et nota byen, que si rent

haue the halfe of the rent. And also if the one purchase the halfe of the land whereof the rent is going out,the other shal haue the halfe of the rent of his chpanton, and if the disseisy charge the land to a stranger, & the disseisse bring an assise and recouer, the charge is defeated. But if he that hath right, chargeth the land,and a stranger faine a false action against him which hath no right, & recouereth by default,the charge abideth.

And note well, that in case that partition bee betweene two parceners, & more land bee alloted to one then to the other, and shee that hath most of the land, chargeth her land to the other,& shee happeneth the rent.she shall maintain Assise without especialtie.

And it is a Rent secke, where a man holdeth of mee by homage,fealty,and other seruice, yeelding to mee a certaine rent by the yeare, and I graunt this rent to an other, reserving to me the other seruices.

And note wel,that if rēt secke

seck be graunted to a man and to his heires and the rent bee behinde, and the graunor die, the heire may not distraine nor shall recouer the arrerages of the time of his father, as it is before saide of rent service.

And in the same maner it is to say of rent charge or annuall rent: But in all these rents before saide the heire may haue for the arrerages in his own time such aduantage as his father had in his life. See the Statute 32. Hen. 8. Cap. 37.

And note well, that in rent secke, if a man be not seised of the rent, and it be behind, hee is without recouerie, for that that it was his owne fault at the beginning when the rent was graunted to him or reserued, that he tooke not seisin of the rent, as a penny or two pence.

And note well that a man may not haue a Cessauit per biennium, or another Writ of Entre sur Cessauit for no rent secke behind by two yeares, but

seck soyt grant a vn home & a ses heires, & le rent soyt aderere, & le graun-tour deuye, le heyre ne purra my distrainer, ne recouera les arrerages de temps son pere, sicome est auauntdit de rent service.

Et en mesme le maner est adire de rent charge ou annual rent: Mes en touts les rents auantdits le heir purroit auer pur arrerages en son temps demesne tiel aduauntage come auoit son pere en sa vie. Vide Statutum 32. Hen. 8. cap 37.

Et nota que en rent secke, si home ne soyt seisie del rent, & il soit aderere, il est sauns recouerie, pur ceo que il fuit son folly demesne adeprimes quant le rent fuit graunt a a luy ou reserue, que il ne prist my seisin del rent sicome vn denier ou deux.

Et nota que home ne poyt my auer Cessauit per biennium, ou vn auter briefe dentre sur Cessauit pur nul rent secke aderere per deux ans, mes

ils purront tantſolement pur rent ſeruice, vt patet in leſtatute W. 2. cap. 21.

Et nota que en rent ſeck il couient pur luy que ſue pur le rent ſecke pur monſtre fait al tenaunt, ou autrement le tenaunt ne ſerra my charge del rent, forſque lou le rent ſecke fuit rent ſeruice adeuaunt, come en ceſt caſe: Seigniour meſne, & tenaunt, & cheſcun de eux tient de auter per homage & fealtie, & le tenaunt del meſne per x. s. de rent, le Seigniour paramont purchaſe les terres ou tenementes del tenaunt, tout le Seigniory del meſne, forſpriſe le rent eſt extinct: Et pur ceſt cauſe ceſt rent eſt deuenus rent ſecke, & le rent ſeruice change, car ill ne poyt diſtraine pur ceſt rent, & en ceſt caſe celuy que demaunda le rent ne ſerra iammes charge de monſtre fait.

Auxy en briefe de *Mordancester*, *Aile*, ou *Beſaile*, de rent ſecke, il ne beſoign de monſtre eſpecialtie, pur ceo que ceux briefes only for rent ſeruice, as it appeareth in the Statute W. 2. cap. 21.

And note well that in rent ſecke it behoueth him that ſueth for the rent ſeck for to ſhew a deede to the tenaunt, or els the tenaunt ſhall not be charged with the rent, but where the rent ſeck was rent ſeruice before, as in this caſe: Lord, meſne, and tenaunt, and euery of them holden of other by homage & fealtie, and the tenaunt of the meſne by x. s. of rent, the Lorde paramont purcheſeth the lands or tenemts of the tenant, all the seignorie of the meſne but the rent, is extinct: And for this cauſe this rent is become rent ſecke, and the rent ſeruice changed, for hee may not diſtraine for this rent, and in this caſe hee that demaundeth the rent ſhal neuer be charged to ſhew a deed.

Alſo in a writ of Mordaunceſtor, Aile, or Beſail, of rent ſecke, it needeth not to ſhewe a ſpecialtie for that theſe Writtes

of

of poſſeſſion doe compze-
hend a title within them-
ſelues, that is to ſay, that
the auncestour was ſeiſed
of the ſame rent, and con-
tinued his poſſeſſion, be-
cauſe of which ſeiſin the
law ſuppoſeth that it is
alſo auerable by the coun-
trey.

Yet learne, for ſome ſuppoſe that it behoueth of neceſſitie to ſhew forth a deede, for that that rent ſeck is a thing againſt cõmon right, aſwell as rent charge.

But in Aſſiſe of Nouel diſſeiſin, and in a writ of Entre ſur diſſeiſin brought of rent ſeck, it behoueth of neceſſitie to ſhew forth a deede, for that that rent ſeck is a thing againſt a common right, except in the caſe before ſaid, where it was rent ſeruice before, and by the act in law it is become a rent ſecke.

And aſſiſe of Nouel diſſeiſin, and a writ of Entre ſur diſſeiſin, contayne within them no title, but ſuppoſe a diſſeiſin to be done to the plaintife, and of the intendement of the law,

de poſſeſſion comprehendont vn title deins eux meſmes, ceſtaſcauoir, que le auncestour fuit ſeiſi de meſme le rent, & continua ſon poſſeſsion, per cauſe de quel ſeiſin le ley ſuppoſe que eſt auxy auerrable per le pay.

Tamen quære, car aſcuns ſuppoſant que il couient a fine force a monſtre auant fait, pur ceo que rent ſeck eſt vn choſe, enconter cõmon droit, auxibien come rent charge.

Mes en Aſſiſe de Nouel diſſeiſin, & en briefe de Entre ſur diſſeiſin port de rent ſeck, il couient de fine force de monſtre auant fait, pur ceo que rent ſeck eſt vn choſe encounter common droit, ſinon en le caſe ſuſdit, ou il fuit rent ſeruice adeuant, & per lact del ley eſt deuenus rent ſecke.

Et Aſſiſe de Nouel diſſeiſin, & briefe de Entre ſur diſſeiſin, ne conteigne deins eux nul title, mes ſuppoſant vn diſſeiſine deſte fait a le plaintife, & de entendement del ley, le

le disseisin ne done nul cause de auerrement encounter cõmon droit, mes de fine force il monstra auant especialtie.

388 *Replevin.*

REpleuin, est vn briefe, & gist quaunt ascun home distraine vn auter pur rent ou auter chose, donques il auera cest briefe al Vicont pur deliuer a luy le distres, & trouera suertie de pursuer son action, & si il ne pursua, ou si soit troue & iudged encounter luy, donques cestuy que prist le distresse reauera le distres, & cest appelle returne des auers, & il auera en tiel case briefe que est appelle Returno habendo.

Auxy si soit en ascun franchise ou bayliwicke, le partie auera vn Repleuin del Vicont direct al Bailise de mesme le franchise pur eux redeliuer, & il trouera suertie de pursuer son action al procheine countie. Et cest Repleuin poit estre remoue hors del Countie en le Common bank per

the disseysin gyueth no cause of auerment against common right, but of necessitie it behoueth to shew forth a deed.

Replevin.

REpleuin, is a writt, and it lyeth where any man distrayneth an other for rent or other thing, then he shall haue this writt to the Shirife to deliuer to him the distres, and shall find suertie to pursue his action, and if he pursue it not, or if it be found or iudged against him, then he that tooke the distresse shall haue against the distres, & that is called the returne of the beasts, and he shall haue in such case a writt that is called Returno habendo.

Also if it bee in any franchise or bayliwick the partie shall haue a Repleuin of the Shirife directed to the Baylife of the same franchise for to deliuer them again, & he shall find suerty to pursue his action at the next Countie. And this Repleuin may be remoued out of the Countie vnto the cõmon place by a writt

writ of Recordare.

Looke more of Repleuin in the title Distres.

Also a writ of Homine replegiando lyeth where a man is in prysion & not by special cõmandemẽt of the king, nor of his iustice, nor by the death of a man, nor for ỹ kings forrest, nor for such cause that is not replenthable, then he shall haue this writ directed to the shirife, ỹ he cause him to be replenied: this writ is a Iusticies & not returnable, & if the shirife do it not, then there shall goe forth an other writ, Sicut alias, & afterward another writ Sicut pluries, vel causam nobis significes, which shalbe returnable, & if the shirife yet make no repleuin, then ther shal go forth an Attachmẽt against the shirif, directed to ỹ Coroners to attach the shirife, & to bring him before ỹ Iustices at a certain day, and furthermore ỹ they make execution of the first writ.

briefe de Recordare.

Vide plus de Repleuin deuant titulo Distres.

Auxy briefe de Homine replegiando gist lou vn home est en prison, & nemy per especial commandement le Roy, ne de ses Iustices, ne pur mort de home, ne pur le foreſt le Roy, ne pur tiel cause que nest repleuisable, donques il auera cest briefe directe al Vicont, que il luy faire este repleuie: Et cest briefe est vn Iusticies & nient returnable, & si le vicont ne ceo face, donques illera auter briefe, Sicut alias, & apres auter brẽ Sicut pluries, vel Causam nobis significes, que serra returnable, & si le vicont vncore ne face repleuin, donques issera vn Attachment vers le Vicont, direct al Coroners dattacher le vicõt, & de luy amesner deuant les Iustices a vn certaine iour, & ouster ceo que ils facent execution del primer briefe.

389 *Replication.*

REplication, is when the defendant in any action maketh an answer, & the pl

Replication.

REplication, est quant le defẽdãt en ascun action fait respons, & le plaintife fait

fait vn respons a ceo, ceo est appelle le Replication del plaintife.

390 *Repriſes.*

REpriſes, ſont deductions, payments, & dueties, que va annuelment & ſont paie hors dun manour: Come rent charge, rent ſecke, pentions, corodies, annuities, fees de Seneſchals, ou Bailifes, & tiels ſembles.

391 *Receit.*

REceit, eſt quant aſcun action eſt port vers tenant pur terme de vie, ou tenant a terme dans, & ceſtuy en la reuerſion vient eins & pria deſtre reſceiue pur defende la terre, & pur pleder oueſque le demaundant. Auxy quant il vient il conient que il ſoit toutes foies priſt a pleder oue le demaundant. En meſme le manner feme ſerra reſceiue pur default ſon baron en action port vers eux ambideux. Et auxy tenant pur ans ſerra reſceiue a defende ſon droit, lou en vn action port vers tenant del franktenement il plede faintment.

make than anſwer to that, that is called the Replication of the plaintife.

Repriſes.

REpriſes, are deductions, payments, and duties that go yeerely and are paide out of a mano: As rent charge, rent ſeck, pentiõs, corodies, annuities, fee of Stewards, or Bailifes, and ſuch like.

Receit.

REceit, is when any action is brought againſt the tenant for terme of life, or tenãt for term of yeres, & he in the reuerſion commeth in and prayeth to be receyued for to defend the land, and for to pled with the demaundant. Alſo when he commeth it behoueth that he be alway ready to plede with the demaundant. In the ſame manner a wife ſhall be receiued for the default of her huſband in an action brought againſt them both. And alſo tenant for yeeres ſhall be receiued to defend his right, where in an action brought againſt the tenant of the freehold he pleadeth faintly.

392 *Reſ-*

392 *Rescous.*

REscous, is a writ, and it lyeth when any man taketh a distresse, and an other taketh it again from him, & will not suffer him to carrie the distresse with him, then he doth to him Rescous, and vpon that he may haue this writ, & shal recouer damages.

Also if one distreine beastes for damage fesant in his ground, & driueth them in the high way for to impound them, and in going they enter into the house of him whose they be, & he withholdeth them there, and will not suffer the other to impounde them, then that withholding is a Rescous.

393 *Reseruation.*

REseruation, is taken diuers wayes, and hath diuers natures, as sometimes by way of exception to keepe that which a man had before in him: as if a lease be made for yeares of ground reseruing the great trees growing vpon the same, now the lessee may not medle with them, nor with any thing that

Rescous.

REscous, est vn briefe, & gist quant ascun home prent distresse, & vn auter repriſt le distresse de luy, & ne voile suffer luy de amesner le distresse oue luy, donques il fait a luy Rescous, & sur ceo il poit auer cest briefe, & recouera damages.

Auxy si vn distraine bestes pur dammage fesaunt en sa terre, & les enchasea per le hault chimin pur eux enparker, & en alant ils entrent en le meason de celuy a que ils sount, & il eux detient la, & ne voile suffer lauter de eux enparker, donques ceo deteiner est Rescous.

Reseruation.

REseruation, est prise diuers voies, & ad diuers natures, come ascun foits per voy de exception de reserue ceo que vn home ad deuaunt en luy: Come si vn lease soit fait pur ans de terre reseruant les graund arbors cressāts sur ceo, ore le lessee ne poit medle oueſque eux, ne oueſque ascun choſe que vient

vient per reason de eux si
longe, come il demurt en,
ou sur les arbours, come
mast de Oke, chestnut,
pomes, ou tiels semblables: Mes sil chient del arbors al terre, donques
ils sont en droit le lessees,
car le terre est lesse a luy,
& tout sur ceo nient reserue &c.

Ascun foits vn reseruation obtayneth & port hors vn auter chose que ne fuit deuant: Come si vn home lessa ses terres reseruant annualment pur ceo xx.li. &c. Et diuers auters tiels reseruations y sont.

Et nota, que en auncient temps, lour reseruations fueront sibien (ou pur le plus part) en victuals, soit ceo carne, pisshe, blees, pane, boier, ou autrement, come en money, tanque al darraine, & especialment en le temps del Roy Henrie le primer per agreement, le reseruation de victuals fuit change en priist money, come il ad tanque cy continue.

304 *Resignation.*

REsignation, est lou vn incumbent dun Esglise

cōmeth by reason of them so long, as it abideth in, or vpon the trees, as mast of Oke, Chestnut, Apples, or such like: But if they fall from the trees to the ground, then they are in right the lessees, for the ground is let to him, and all thereupon not reserued &c.

Sometimes a reseruation doth get e bring forth an other thing which was not before: As if a man lease his landes reseruing yearely for the same xx.li. &c. And diuers other such reseruations there be.

And note, that in auncient time, their reseruations were aswell (or for the more part) in victuals, whether flesh, fish, corne, bread, drinke or what else, as in money, vntil at the last, e that chiefly in the raygne of King Henry the first by agreement, the reseruation of victuals was changed into ready money, as it hath hitherto since continued.

Resignation.

REsignation, is where an incumbent of a Church resig-

resigneth or leaueth to the Ordinarie, which did admit him to it, or to his successors, and that differeth from surrender, when by that he to whom the resignation is made hath no interest in the thing so resigned, but he to whom the surrender is made hath by that the thing it selfe, by that surrender.

395 *Retraxit.*

REtraxit, is the preterperfectence of Retraho, compounded of Re and Traho, which make Retraho, to pul backe. And is when the partie plaintife or demãdant commeth in proper person into the Court where his plee is, and saith that he will not prosecede any further in the same &c. now this shal be a barre to ꝑ action for euer.

396 *Reeue.*

REeue is an Officer, but more knowen in auncient time then at this day: for almost euery manor had then a Reeue, and yet stil in many Copyhold manors (where the old custome any thing prevayleth) the name & office

resigne ou relinquish al Ordinarie, que luy ayt admit a ceo, ou a ses successors, & ceo differ del surrender, quant per cel il a que le resignation est fait nad ascun interest en le chose issint resigne, mes cestuy a que surrender est fait auoit per ceo le chose mesme, per ceo surrender.

Retraxit.

REtraxit, est le preterperfectence de Retraho, compound de Re & traho, que signifie Retraho, pur eumlser arrere. Et est quant le partie plaintife ou demandant vient en proper person en le Court lou son suit est, & dit que il ne voit vlterius prosequi in placito illo &c. Ore ceo serra vn barre al action a toutes iours.

Reeue.

REeue est vn Officer, mes plus conus en auncient temps que a cest iour. Car chescun manour ad donques vn Reeue, & vncore en diuers Copyhold manours (ou le veyle custome ascun chose preuaile) le nosme & office

nest

nest en tout oblie: Et est en effect ceo que a ore chescun Bailife dun manour practise, nient obstant le nosme de Baylife ne fuit donques en vre enter nous, esteant puis port eins per les Normans: Mes le nosme de Reeue auncientment appelle Gereue, (quel particle (Ge) en continuance de temps fuit oustersment omise & perde) vient del Saxon parol *Gerefa*, que signifie vn Ruler: Et issint verament son rule & auctho'itie fuit large deins le compasse del manor son Seigniour, & enter ses homes & tenants, sibien en choses de gouernment en peace & guerre, come en le skilfull vse & trade de husbandrie: Car sicome il collect les rents del Seigniour, paie reprises, ou dueties, issuant hors del manour, appoint les sernants de worker, succide & decoupe arbres pur repairer les edifices, & enclosures, ouesque diuers tiels semblables pur le commoditie del Seignior:

is not altogether forgotten: And is in effect that which now euery Baylife of a mannor practiseth, although the name of Baylife was not then in vze among vs, being since brought in by the Normans: But the name of Reeue auncitently called Gereue, (which particle (Ge) in continuance of time was altogether left out and lost) came from the Saxon word Gerefa, which signifieth a Ruler: And so in deed his rule and auctho'itie was large within the compasse of his Lords manor, and among hys men and tenants, aswell in matters of gouernement in peace and warre, as in the skilfull vse and trade of husbandrie: For as he did gather hys Lordes rents, pay reprises, or dueties, issuing out of the manour, set the seruantes to worke, fell and cut downe trees to repayre the buyldinges, and tyrlosures, with dyuers such like for hys Lordes commoditie:

So

So also he had authoritie to gouerne and keepe the tenants in peace, & if need required, to lead thē forth in warre.

Issint auxy il ad aucthority de gouerner, & garder les tenants en peax, & sil besoigne, de conducter eux en guerre.

397 *Reuersion.*

REuersion of Land, is a certaine estate remayning in the lessour or donour, after the particuler estate and possession conueyed to another by Lease for life or yeares, or gift in tayle.

And it is called a Reuersion in respect of the possession seperated from it: so that hee that hath the one, hath not the other at the same time, for being in one bodie together, there can not bee said a reuersion, because by the vniting, the one of them is drowned in the other.

And so the reuersion of land, is the land it selfe when it falleth.

Reuersion.

REuersion de terre, est vn certaine estate remaynant en le lessor ou donor, apres le particuler estate & possession conuey all vn auter per lease pur vie, ou ans, ou done en taile.

Et est appelle vn Reuersion en respect de le possession seperate de ceo: issint que il que ad le vn, nad le auter a mesme le temps, car esteant en vn corps simul, la ne poyt este dit vn reuersion, pur ceo oue per le vniting, lun est merge en lauter.

Et issint le reuersion del terre, est le terre mesme quant il eschuest.

398 *Riot.*

RIot, is where three (at the least) or more doe some vnlawfull act: as to beate a man, enter vpon the possession of an other, or such like.

Riot.

RIot, est lou trois (al meines) ou plures font ascun illoyall act: come de bater vn home, entre sur le possession dun auter, vel huiusmodi.

399 *Robberie.*

RObberie, est quaunt vn home prent alcũ chose del person dun auter feloniousement, coment que la chose prise ne soit all value forsque dun denier, vncore il est felonie, pur quel le offender suffera mort.

400 *Rout.*

ROut, est quaunt people assemble eux mesmes, & puis procedant, ou chiuauchant, ou allant auant, ou mouent per instigation de vn ou plusors, que est conduct de eux: Cest appelle vn Rout, pur ceo que ils mouent, & proceed en routs & numbers.

Item ou plures assemble eux sur lour quarels & braules demesne: come si les inhabitantes dun Ville voile assembler eux, pur debruser huys, mures, fosses, pales ou tiels semblables dauer common la, ou de bater vn auter que ad fait al eux vn common displeasure, vel huiusmodi, cest vn Rout & encounter le ley, coment que ils nont fait ou mis en execution lour male en-

Robberie.

RObberie, is when a man taketh ante thing from the person of another feloniously, although the thing so taken bee not to the value but of a penne, yet it is felonie, for which the offendor shall suffer death.

Rout.

ROut, is when people do assemble themselues together, and after do proceed, or ride, or goe foorth, or do moue by the instigation of one or more, who is their leader: This is called a Rout, because they do moue and proceed in routs and numbers.

Also where many assemble thẽselues together by on their own quarels and brauls: as if the inhabitants of a town wil gather themselues together, to breake hedges, pales, or such like to haue common there, or to beate another ẏ hath done to them a common displesure, or such like, that is a Rout & against ẏ law, although they haue not done or put in execution their mischieuous en-

tent

tent. Vide Statute 1. Ma. cap. 12.

Sake.

SAke, this is a plee and correction of trespasse of men in your court, because (Sake) in English, is Achefon in French, & sake is put for sicke, as to say for sicke, sake, also for what hurt, & sake is put for for-

Scire facias. (fait.

SCire facias, is a writ iudiciall going out of the record, & it lieth where one hath recouered debt or damages in the k. court, & he lieth not to haue execution within the yere & the day, the after the yere & the day he shal haue ꝑ said writ to warn the party, & if ꝑ party come not, or if he come and nothing say to discharge or stay the execution, then he shal haue a writ of Fieri facias directed to the shiriff, him cõmanding that he leuie the debt or damages of the goods of him that hath lost.

Also ꝑ writ of Fieri facias lyeth within the yeere without any Scir fac' sued.

Also if the summe of the same debt or damages

tent. Vide lestatute 1. Ma. cap. 12.

Sake.

SAke, hoc est placitum & emenda de transgr̃ hominũ in curia vestra, quia (Sake) Anglice, est Achefon gallice, & Sake est mis pur Sick, & dicitur pur sick, sake, idem qd q̃ quel achefon, & Sake dicit ꝑ forfait.

Scire facias.

SCire facias, est vn briefe iudiciall issant hors de record, & gist lou vn ad recouer dette ou dammages en court le Roy, & il ne sue passe dauer execution dẽins lan & le iour, donques apres lan & iour il auera le dit briefe a garner le partie, & si le partie ne vient, ou sil vient & ne scauoit riens dire encounter execution donques ill auera vn briefe de Fieri facias direct al Vicount luy commaundant que il leuie le dette ou les dammages des biens celuy que ad perdue.

Auxy le briefe de Fieri facias gist deins lan sans aſcun Scire facias suer.

Auxi si le sumin̄ de mesme le dette ou dammages

ne poyt eſte leuy des byens celuy que auoit perdue, donques il poyt auer vn briefe de *Elegit* direct al Vicount que il fac' luy deliuer la moytie de ſa terre & byens except ſes boues & affries de ſa carue.

Auxy quaunt vn ad recouer det ou damages en action perſonall (lou le proces eſt vn Capias) il poit auer vn auter briefe de execution appel capias ad ſatisfaciendum, p̄ prender le corps celuy que eſt iſſint condempne que ſerra commit al priſon illonques a demurrer ſans baile ou mainpriſe tanque il ad ſatisfie le partie.

Auxy quant vn ad iudgment de recouer aſcun terres ou tenements, il auera vn briefe appelle Habere facias ſeiſinam direct al vicourt, luy commaundant de deliuer a luy ſeiſin de meſme le terre iſſint recouer. Vide plus de ceo en le title Fieri facias, & en le title Execution.

403 *Scot.*

SCot, hoc eſt quietũ eſſe de quadã conſuetudin, ſicut

may not bee leuied of the goods of him that hath loſt them, hee may haue a Writ of Elegit directed to the Shiriffe, that bee cauſe him to deliuer the one halfe of his lands & goods except his oxen and implements of his cart.

Alſo when one hath recouered debt or damages in an actiõ perſonal (where the proceſs is a Capias) hee may haue another writ of Execution called a Capias ad ſatisfaciendum for to take the bodie of him that is ſo condempned, which ſhall bee committed to priſon there to abide without bail or mainprize, till that he hath ſatisfied the party.

Alſo when one hath iudgement to recouer any Lands or tenements, he ſhall haue a Writ called Habere facias ſeiſinam directed to the Shiriffe, him commanding to deliuer to him ſeiſin of the ſame land ſo recouered. See more of that in the title Fieri facias, & in the title Execution.

Scot.

SCot, that is to bee quitte of a certaine cuſtome, as

of common tallage made to the vse of the Shyrife or Baliff.

de communi tallagio facto ad opus Vicomitis vel Balliuorum eius.

404 *Knights ſeruice.*

TO hold by knights ſeruice, is to hold by homage, fealtie, and eſcuage, and it draweth to it ward, mariage and reliefe.

And note that knights ſeruice, is ſeruice of lands or tenementes to beare Armes in warre in the defence of the Realme, and it draweth ward and mariage, by reaſon that none is able nor of power, nor may haue knowledge to beare armes, before that he be of the age of 21. yeres. And to the end that the Lord ſhall not leeſe that, that of right hee ought to haue, and that the power of the realme, bee nothing weakened, the law will becauſe of his tender age, that the Lord ſhall haue him and his landes in his ward till full age of him, that is to ſay xxj. yeares.

Looke of that more in the title Graund ſeriantie, and the title of Eſcuage.

Seruice de Chiualer.

TEner per ſeruice de chiualer, eſt a tener per homage, fealtie, & eſcuage, & treit a luy gard, mariage, & reliefe.

Et nota que ſeruice de Chiualer eſt ſeruice de terres ou tenementes pur armes porter en guerre en defence del Royalme, & doit garde & mariage apent, per reaſon que nul eſt able, ne de power, & ne poyt auer conuſans darmes porter, deuaunt que il ſoyt del age de xxj. ans. Et al fine que le Seigniour ne perdera ceo, que de droit il doit auer, & que la power de la roialme de rien ne ſoit enfeeble: la ley voet per cauſe de ſon tender age que le Seigniour luy auera en la garde tanque al pleine age de luy, ceſtaſcauoir xxj. ans.

Vide de ceo pluis en le title Graund ſeriantie, & en le title Eſcuage.

405 *Shewing.*

SHewing hoc eſt quietum eſſe cum attachment in aliqua curia, & coram quibuſcunq; in querelis oſtenſis & non aduocater.

406 *Sok.*

SOk, hoc eſt ſecta de hominib' in Curia veſtr', ſecundū conſuetudiñ Regni.

407 *Sockmans.*

SOkmans, ſont les tenãts en auncient demeſne, queux tient lour terres per Socage, ceſt adire per ſeruice del craue, & pur ceo ils ſont appel Sokmans, que eſt tant adire come tenants, ou homes: queux tient per ſeruice del carue, ou homes del carue Car Sok ſignifie vn carue.

Et ceux Sokmans ou tenaunts en auncient demeſne, ont pluſors & diuers liberties done & graunt a eux per le ley, ſibien ceux tenants queux tyent dun common perſon en auncient demeſne come ceux queux tyent del Roigne en auncient demeſne, come noſment deſte quite de payer tolle en cheſcun Market, Faire, Ville, & Citie per tout le

Shewing.

SHewing, that is to be quite with attachment in any Court, and before whom ſoeuer in plaints ſhewed and not auowed.

Sok.

SOk, this is ſuit of me in your court according to the cuſtome of the realme.

Sokmans.

SOkmans, are the tenants in ancient demeſne, that held their landes by Socage, that is by ſeruice with the plough, and therefore they are called Sokmans, which is as much to ſay as tenants or men that hold by ſeruice of the plough, or plowmen: For Sok ſignifieth a plough.

And theſe Sokmans or tenants in auncient demeſne, haue many and diuers liberties giuen and graunted to them by the law as well theſe tenants that hold of a commō perſon in auncient demeſne, as thoſe that holde of the Queene in ancient demeſne, as namely to be free thō paying toll in euery Market, Faire, Towne and Citie throughout the whole Realme,

Realme, as well for their goods and cattels that they sell to others, as for those things that they buy for their prouision of other. And thereupon euery of them may sue to haue letters patents vnder the Queenes seale directed to her Officers, & to the Maiors, Bailifes, and other Officers in the Realme, to suffer them to bee toll free.

Also to be quite of pontage, murage, and passage, as also of taxes and tallages graunted by Parliament, except ẏ the Queene taxe auncient demesne, as she may at her pleasure for some great cause.

Also to be free from paiments towards the expences of the Knights of the shiere that come to the Parliament.

And if the Shirife will distraine them, or anie of them to bee contributorie for their landes in auncient demesne, then one of them or all as the case requireth, may sue a Writ directed to the shirife, commaunding him that he do e

Realme, sibien pur lour biens & chattels que ils vende as auters, come pur ceux choses que ils achateront pur lour prouision, de auters. Et sur ceo chescun de eux poit suer dauer letters patents desouth le seale le Roigne a ses officers, & al Maiors, Bailifes, & auters Officers en le Realme de suffer eux deste quite de tol.

Item deste quite de pontage, murage, & passage, & auxy de taxes & tallages graunt per Parliament, sinon q̃ le Roigne taxe auncient demesne, come el poit a sa pleasure pur graund cause.

Auxy deste quite de payments a les expences del Chiualers del shire queux vient al Parliament.

Et si le Vicount voile distrainer eux, ou ascun de eux destre contributorie pur lour terre en auncient demesne, donques lun de eux ou toutes come le case require poyt suer vn briefe direct al Vicont, luy commandant q̃, il

ne compel eux deſtre contributories al expences de Chiualers, Et meſme le briefe luy commaund auxy, que ſi il ad diſtrain eux pur ceo, que il redeliuer meſme le diſtres.

Item que ils ne deueron eſtre impanel, ne mis en Iuries & Enqueſts en le pays hors de lour manor ou Seigniorie de auncient demeſne, pur les terres queux ils teigne la (ſinon que ils ont auters terres al common ley, pur quex ils deueront eſtre charge.) Et ſi le Vicount retourne eux en pannels, donques ils poyent auer vn briefe direct a luy *de Non ponendis in aſſiſis & iuratis*: Et ſil face al contrarie, donques giſt attachment ſur ceo enuers luy.

Et iſſint eſt auxy ſi les Bailifes des franchiſes q̃ux ont retournes des brieſes voyle returne aſcun del tenaunts queux teigne en ancient demeſne en aſſiſes ou iuries.

Et auxy deſte exẽpts del

not compell thẽ to be contributories to the expences of the Knights. And the ſame Writ doth commaund him alſo, that if he haue alreadie diſtrained them therefore, that he redeliuer the ſame diſtres.

Alſo that they ought not to bee impannelled, nor put in Iuries and enqueſts in the countrey out of their Manor or Lordſhip of auncient demeſne, for the Landes that they holde there (except that they haue other Lands at the cõmon law, for which they ought to be charged.) And if the Shiriffe do returne thẽ in panels, then they may haue a Writte directed to him de nõ ponendis in aſſiſis & iuratis: And if hee doe the contrarie, then lyeth an attachment vpon that againſt him.

And ſo it is alſo if the Bailifes of Fraunchiſes that haue returne of writs will returne any of the tenaunts, which hold in ancient demeſne in Aſſiſes or iuries.

And alſo to be exẽpt frõ

Leetes

Leetes, and the Shirifes Turne, with diuers other such like liberties.

408 *Socage.*

TO hold in Socage, is to hold of any Lord lands or tenements, yeelding to him a certaine rent by the yeare for all maner of services.

And note well, that to hold by Socage is not to hold by Knights seruice, nor to it belongeth ward, mariage, nor reliefe: But they shal double once their rent after the death of their auncestor, according to that that they be wont to pay to their Lord.

And they shal not be ouer measure grieued, as it appeareth in the Treatise of Wardes and Reliefe.

And note well, that Socage may be said in 3. maners, that is to say: Socage in fee tenure, Socage in auncient tenure, & Socage in base tenure.

Socage in Free tenure is when one holdeth of an other by fealty and certain rent for all maner of services, as is before said.

And of all lands holden

Leetes, & de Turnes del Vicont, oueſq; diuers autres ſemblables liberties.

Socage.

TEner en Socage, eſt a tener de aſcun Seignior terres ou tenements, rendant a luy vn certain rent per an pur toutes maner des ſeruices.

Et nota, que tener per Socage neſt pas tener per ſeruice de Chiualer, ne la appent garde, mariage, ne reliefe: Mes ils doubleront vn foits lour rent apres le mort lour auncestour, ſolonque ceo que ſoloyent payer a lour Seigniour.

Et ils ne ſerront ouſter meaſure greeues, come il appiert en le Treatiſe de Gardes & Reliefe.

Et nota, que Socage poit eſtre dit en trois maners, ceſtaſcauoir: Socage en franke tenure, Socage en ancient tenure, & Socage en baſe tenure.

Socage en Franke tenure eſt quant vn tient dun per fealty & certain rent pur touts maner des ſeruices, come deuant eſt dit.

Et de touts terres tenus

en

en Socage le procheine amy aucra le garde a que le heritage ne purra my discender, tanque al age le heire de xiij. ans, cestasçauoir, si le heritage veigne per le part le pere, ceux del part le mere aueront le gard. Et econtra.

Et nota bien, si Gardian en Socage fait wast, il ne serra my empeche de wast: Mes il rendra accompt al heire quant il viendra al pleine age de xxj. ans. Et vide le statute de Marlebridge capitulo 17. pur cest matter.

Socage de auncient tenure est ceo lou les gents en auncient demesne tenoyent, que ne soylent auter briefe auoir que le briefe de Droit close, que serra determine secundum consuetudinem manerij, & le Monstrauerunt pur eux discharger quât lour Seignior eux distraine pur faire auters seruices que faire ne duissent.

Et cest briefe de Monstrauerunt doit estre port enuers lour Seignior,

In Socage the next kinsbody shall haue the warde to whom the heritage may not discend, till the age of xiiij. yeares, that is to say, if the heritage come by the part of the Father, they of the part of the Mother shall haue the ward. And contrarywise.

And note well, that if the Gardian in Socage do make wast, he shall not be impeached of wast, but he shall yeeld accompt to the heire when he shall come to his ful age of xxj. yeares. And looke the statute of Marleb. cap. 17. for this matter.

Socage of auncient tenure is that where the people in auncient demesne held, which vse no other writ to haue then the writ of Right close, which shall be determined according to the custome of the manor, & the Monstrauerunt for to discharge them whē their Lord distraineth the for to doe other seruices that they ought not to do.

And this writ of Monstrauerunt ought to be brought against the lord,

and

and these tenants hold all by one certain seruice, and these be free tenaunts of auncient demesne.

Socage in base tenure is where a man holdeth in auncient demesne, that may not haue the Monstrauerunt, & for that it is called the base Tenure.

409 *Summons ad warrantizandum &c.*

SVmmons ad warrantizandum, and Sequatur sub suo periculo, shee of them after in the title voucher.

410 *Spoliation.*

SPoliation, is a suit for the fruites of a Church, as for the Church it selfe, & it is to be sued in the spirituall Court, & not in the temporall Courts. And this suit lyeth for one incumbent against an other incumbent, when they both claime by one patron, and where the right of the patronage doth not come in question or debate. As if a Parson be created a Bishop, & hath dispensation to keep his benefice still, and afterward the Patron presents an other incumbent,

& ceux tenants teygnent touts per vn certaine Iervice, Et ils sont frank tenants de auncient demesne.

Socage en base tenure est lou home tient en auncient demesne, que ne poit auer le Monstrauerunt, & pur ceo il est appelle le base Tenure.

Summons ad warrantizandum &c.

SVmmons ad warrantizandum, & sequatur sub suo periculo, vide de ceux apres en le title Voucher.

Spoliation.

SPoliation, est vn suit pur les fruites dun Esglise, ou pur lesglise mesme, & est deste sue en le spirituall Court, & nemy en les temporall Courts. Et cest suit gist pur vn encumbent enuers vn auter encumbent, ou ils ambideux claime per vn patron, & lou le droit del patronage ne vient en question ou debate. Come si vn Parson soit cree vn Eueſque, & ad dispensation de tener son rectorie, & puis le Patron present auter encumbent,

que

que eſt inſtitute & induct: Ore Leueſque poit auer enuers ceſtuy encumbent vn Spoliation en le ſpirituall Court, pur ceo que ils ambideux cláime per vn Patron, & le droit del patronage ne vient en debate, & pur ceo que lauter encumbent vient al poſſeſsion del benefice per le courſe del ley ſpirituall, ceſt aſcauoir, per inſtitution & induction, iſsint que il ad colour de auer ceo, & deſte Parſon per le eſpirituall ley: Car autrement ſil ne ſoit inſtitute & inducte &c. Spoliation ne giſt enuers luy, mes pluſtoſt vn briefe de Treſpas, ou vn aſsiſe de Nouel diſſeiſin &c.

Iſsint eſt auxy lou vn Parſon que ad pluralitie, accept auter benefice, p reaſon de que le Patron preſent vn auter clerke, que eſt inſtitute & inducte, ore lun de eux poit auer Spoliation enuers le auter, & donques viendra en debate ſi il ad vn ſufficient pluralitie ou non. Et iſsint eſt de depri-

which is inſtituted, & inducted: Now the Biſhop may haue againſt the Incumbẽt a Spoliation in the Spirituall court, becauſe they claime both by one Patron, and the right of ꝑ patronage doth not come in debate, & becauſe that the other incumbent came to the poſſeſſion of the benefice by ꝑ courſe of the Spirituall Law, that is to ſay, by inſtitution & induction, ſo that he hath colour to haue it and be Parſon by the ſpirituall Law: for otherwiſe if he be not inſtituted and inducted &c. Spoliation lieth not againſt him, but rather a writ of Treſpaſs, or an Aſsiſe of Nouel diſſeiſin &c.

So it is alſo wher a parſon which hath a pluralitie, doth accept an other benefice, by reaſon where the Patron preſents an other clerk, who is inſtituted & inducted, now ꝑ one of them may haue Spoliation againſt the other, & then ſhal come in debate if he haue a ſufficient pluralitie or not. And ſo it is of depri-

uation &c.

Meſme le ley eſt, lou vn dit a le Patron, que ſon Clerke eſt mort, ſur que il preſent vn auter: la le primer Incumbent que fuit furniſe de eſtre mort poyt auer vn Spoliation enuers lauter. Et iſſint en diuers auters ſemblables caſes, de que vejes Fitzherbert Nat. breuium.

Stallage.

STallage, hoc eſt quietum eſſe de quadam conſuetudine exact' pro platea capi, vel aſsignata in nundinis & Mercatis.

Suit couenant.

SVit couenant, eſt quant voſtre auncestours ont couenant ove mes auncestors de ſuer a le court de mes auncestors.

Suit cuſtome.

SVit cuſtome, eſt quãt ieo & mes auncestors ont eſtre ſeiſies de vſe ſuit demeſn & voſtr auncestors de tẽps dont memor ne curt.

Suit reall.

SVit reall, eſt quant hões vient al Turne de Vicont ou Leete, a q̃ courts touts homes ſerra compelle

Stallage.

STallage is to be quite of a certaine cuſtom exacted for the ſtreat taken or aſſigned in faires and Markets.

Suit couenant.

SVit couenant, is when your auncestours haue couenanted with my auncestors to ſue to the court of my auncestors.

Suit cuſtome.

SVit cuſtome, is when I and my auncestors haue been ſeiſed of your owne ſuit and your auncestors time out of mind &c.

Suit reall.

SVit reall, is when men come to the Shirifes Turne or Leete, to which court all men ſhal be com-

pellation &c.

The ſame law is, where one ſueth to the Patron, that his Clerke is dead, whereupon he preſents an other: there the firſt Incumbent which was ſuppoſed to be dead may haue a Spoliation againſt the other. And ſo it is in diuers other like caſes, whereof ſee Fitzh. Nat. breuium.

pelle de vener a conuster les leyes, issint que ils ne serra ignorant de les choses queux serront monstres la coment ils serr gouernes. Et est appell' real suit per cause de lour allegeance, & ceo appiert per cõmon experience quant vn est iure, son oath est que il serra loyal & foyall home al Roigne. Et ceo suit nest pur le terre que il tient deins le Countie, mes per reason de son person, & pur son resiancie la, & doit estre fait deux foites per an, pur default de que, il serra amercie & nemy distreigne.

415 *Suit seruice.*

SVit seruice, est de suer al Turne del Vicount ou Leete, ou al Court de le Seignior, de trois semaines en trois semaines per lentier an. Et pur default de ceo, vn hõe serra distreigne & nemy amercie. Et cest suit seruice est per reason del tenure del terres dun home.

416 *Statute Marchant.*

TEner per Statute Marchant, est lou home

pelled to come to know the Lawes, so that they shall not be ignorant of things that shalbe declared them how they shall be gouerned. And it is called reall suit because of their allegeance, and this appeareth by cõmon experience when one is swoꝛne, his oath is that he shall be a loyall and faithfull man to the Queene. And this suit is not foꝛ the land that he holdeth within the Countie, but by reason of his person, & his abode there, & ought to be done twise a yeare, foꝛ default whereof, he shall amerced and not distrained.

Suit seruice.

SVit seruice, is to sue to the Shirifes Turne oꝛ Leete, oꝛ to the Loꝛdes Court, from three weekes to three weekes by the whole yeare: And foꝛ default therof, a man shal be distrained and not amerced, And this suit seruice is by reason of the tenure of a mans lands.

Statute Marchant.

TO hold by Statut Marchant, is where a man knows

knowledgeth to pay certaine money to an other at a certaine day before the Maior, Baylife, or other wardein of any towne that hath power to make execution of the same statut, & if the obligor pay not the debt at the day, & nothing of his goods, landes, or tenements may be found within the warde of the Maior or wardein before said, but in other places without, then the recognisee shall sue the recognisance & obligation with a certification to the Chancery vnder the kings seal, and he shall haue out of the Chancerie a Capias to the Shirife of the county where he is to take him, & to put him in prison, if he be not a Clerk, til he haue made agreement of the debt. And one quarter of the yeare after that that he shal be taken, he shall haue his land deliuered to himselfe, to make gree to the party of the debt, & he may sell his land while he is in prison, & his sale shall be good & lawfull. And if he do not make satisfaction

conust a payer certain deniers a vn auter a certaine iour deuant le Maior, Baylife, ou ou autre Gardein dascun ville que ad poyar de faire execution de mesme le statute, & si le obligor ne paya le dett a le iour, & rien de ses biens, terres, ou tenements ne purront estre troues deins le garde le Maior ou Gardein auantdit, mes en auters lyeux dehors, donques le recognisee suera le recognisance & obligation oue vn certification a la Chauncerie desouth le seale le Roy, & il auera hors de la Chauncerie vn Capias al Vicount del countie lou il est de luy prender, & mitter luy en prison, si il ne soit Clerke, tanque il ad fait gree de la dette. Et vn quarter de lan apres ceo que il serra prise, il auera sa terre liuer a luy mesme pur faire gree a le partie de le dette, & il poit vender sa terre tanque il est en prison, & son vendition serra bone & loyal. Et si il ne face gree

deins

deins le quarter dun an, ou fil soit retourne que il nest troue, & fil ne soit clerk, adonques le recognisee port auer bꝛe de la Chancerie, que est appelle Extendi facias, direct al touts Viconts lou il ad terres de extender ses terres & biens, & ses biens a luy deliuer, & luy seiser en ses terres, a tener eux a luy & a ses heires & a ses assignes, tanque le dette soit leuie ou paie, & pur cel temps il est tenaunt per statute Marchant.

Et nota bien, que en vn statute Marchant, le recognisee auera execution de touts les terres que le recognisor auoit iour de la recognisance fait, & ascun temps puis per force de mesme le statute.

Et nota bien, que quant ascun wast ou destruction est fait per le recognisee, ses executors, ou per celuy que ad son estate, le recognisor ou ses executors aueront mesme la ley, come est suisdit de le Tenant per Elegit.

Et nota bien, si le te-

within a quarter of a yeꝛe, oꝛ if it be retourned that he be not found, and if he be not a clerk, then the recognisee may haue a writ of the Chancery, which is called Extendi facias, diꝛect to all Shiriffes where he hath lands, to extend his lands and goods, and to deliuer the goods to him, and to seise him in his lands, to hold them to him and to his heires and his assignes, till that the debt be leuied oꝛ paied, and foꝛ that time he is tenant by statute Marchant.

And note well, that in a statute Marchant the recognisee shall haue execution of all the landes which the recognisoꝛ had the day of the recognisans made, & any time after by foꝛce of the same statute.

And note well, that when any wast oꝛ destruction is made by the recognisee, his executoꝛs, oꝛ by him that hath his estate, the recognisoꝛ oꝛ his executoꝛs shall haue the same law, as is befoꝛesaid of the tenant by Elegit.

And note well, that tenant

nant by ſtatute marchant holde ouer his terme, hee that hath right may ſue againſt him a Venire facias ad computandum, or els enter by and by as tenant by Elegit. See the ſtatute 11. E. 1. and of Acton burnel, and 13. E. 1. de Mercatoribus.

nant per le Statute marchant tyent ouſter ſon terme, ceſtuy que ad droit poit ſuer enuers luy vn Venire facias ad computandum, ou entrer tantoſt ſi come ſur le tenaunt per Elegit. Vide le ſtatute 11. E. 1. & de Acton burnel, & 13. E. 1. de Mercatoribus.

T.

417 *Fee Taile.*

TO hold in the Taile, is where a man holdeth certaine lands or tenements to him & to his heires of his body begotten.

And note wel, that if the Land bee giuen to a man and to his heires males, & he hath iſſue male, he hath fee ſimple, and that was adiudged in the Parliament of our Lord the K. But where lands bee giuen to a man and to his heires males of his bodie begotten, then hee hath fee taile, & the iſſue female ſhal not bee inheritable, as it appeareth the 14. peare of E. 3. in Aſſiſe 18. E. 3. 45.

Fee taile, is where land is giuen to a man and his heires of his bodie begot-

T.

Fee Taile.

TEner en le Taile, eſt lou home tient certaine terres ou tenements a luy & a ſes heyres de ſon corps engenders.

Et nota bien, que ſi le terre ſoit done a vn home & a ſes heires males, & il ad iſſue male, il ad fee ſimple, & ceo fuit adiudge en le Parliament noſtre Seignior le Roy. Mes lou terres ou tenements ſont dones a vn home & a ſes heires males de ſon corps engenders, il ad fee taile, & le iſſue female ne ſerra my inherite, vt patet Anno 14. Ed. 3. en vn Aſſiſe 18. E. 3. 45.

Fee taile, eſt lou terre eſt doñ a vn home & a ſes heirs de ſon corps engen-

ders, & il est dit tenant en le taile general.

Mes si terre soit done al baron & feme & al heires de lour deux corps engenders, ore le baron & la fem̃ sont tenants en le taile especial. Et si vn de eux deuy, cestuy que suruiue est tenaunt en le taile apres possibilitie de issue extinct, & si il face waste il ne serra empeach de cel wast. Vide Littleton.

Mes si le Roy done tertes a vn hom̃ & a ses heirs males, & le donee deuie sans issue male, donques le cosin collaterall del donee ne inheritera, mes le roy reentra, & issint fuit adiudge en Leschequer chamber An. 18. H. 8. en vn information fait vers le heire de Sir T. Louell Chiualer.

418 *Taile apres possibilitie.*

TEner en le taile apres possibilitie de issue extinct, est lou terre est done a vn home & sa feme & a les heires de lour deux corps engenders, lun de eux suruiue lauť sans issue ẽ-

ten, & he is called tenant in the taile generall.

But if lands be giuẽ to the husband and the wife and the heirs of their two bodies begotten, then the husband & the wife bee tenants in the taile especial. And if one of them die, he that suruiueth is tenant in tail after possibility of issue extinct, & if he make waste hee shall not be impeached for that wast. See Lit.

But if ẏ king giue land to a man and to his heires males, and the donee dieth without issue male, then the cosin collaterall of the donee shal not inherit, but the king shall reenter and so it was adiudged in the Eschequer Chamber 18. H. 8. in an Information made against the heire of Sir T. Louel knight.

Taile after possibilitie.

TO hold in the taile after possibilitie of issue extinct, is where land is giuen to a man and to his wife, & to the heirs of their two bodies engendred, & one of thẽ ouerliueth the other without issue betweene

queene them begotten, hee that hold the land for term of his owne life, as tenant in the taile after possibility of issue extinct. And notwithstanding that hee doe wast, hy shall neuer be impeached of that wast. And note that if he alien, hee in the reuersiõ shall not haue a writ of entry in consimili casu. But he may enter, & his entre is lawfull, per R. Thorp, chiefe Iustice 28 E. 3. 96. & 45. E. 3. 26.

419 *Taxe and tallage.*

TAxe & tallage, are payments, as tenths, fifteenths, subsidies, or such like graunted to ẽ queene by Parliament.

The tenants in auncient demesne are quite of these Taxes and tallages graunted by Parliament except that the Queene do taxe auncient demesne, as shee may when shee thinkes good for some great cause. See auncient demesne.

Tenure in capite.

TEnure in capite, is wher any hold of the Queene as of her person being Queene, & of her crowne

ter eux issuant, il tiendra sa terre a terme de sa vie demesne, come tenaunt in le taile apres possibilitie de issue extinct. Et non obstant quẽ il fait waste il ne serra iammays empeach de cel waste. Et nota sil alien, celuy en la reuersion ne auera briefe dentre in consimili casu. Mes il poyt entrer, & son entre est congeable, p R. Thorp, chiefe Iustice. 28 E. 3. 96. & 45. E. 3. 25.

Taxe & tallage.

TAxe & tallage, sont payments, come dismes, quinzimes, subsidies ou tiels semblables graunt al roigne per Parliament.

Les tenaunts en auncient demesne son quits de ceux taxes, & tallages graunts per Parliament, sinon que le Roigne taxe auncient demesne, come el poet quant a luy pleast pur graund cause. Vies auncient demesne.

420 *Tenure en capite.*

TEnure en capite, est lou ascun tient del Roigne come de sa parson esteant Roigne, & de sa Corone,

come dun Seigniorie per luy meſme en groſſe, & en chiefe de ſuis touts autres Seigniories. Et nemy lou ils tyent de luy come de aſcun mannor, honour, ou Caſtell, ſinon certaine auncient honors, vt patet in Scaccario.

421 *Terme dans.*

TEner a terme dans neſt forſque chattel en effect, car nul action eſt maintenable enuers le termor quant a recouerer le franktenement, car nul franktenement eſt a luy. Leaſe a terme dans eſt chattell reall, & toutes bñs mouables ſont chattels perſonals.

422 *Teſtament.*

TEſtament, eſt iſſint define ou expounde en Mounſier *Plowdens* Commentaries: Teſtamentum eſt teſtatio mentis, & eſt compound de ceux deux parolx, Teſtatio & mentis, que iſſint ſignifie, veray il eſt, que vn Teſtament eſt teſtatio mentis, mes que il eſt vn compound paroll, *Aulus Gellius* en ſon vj. liuer ca. 12. deny al ceo vn excellent Lawier vn *Ser-*

as of a Lordſhip by it ſelfe in groſſe, & in chiefe aboue all other Lordſhips. And not where they hold other as of any Mannour, Honour, or Caſtell, except certaine auncient honors, which appeare in the Exchequer.

Terme dans.

TO holde for terme of peres is not but chattell in effect, for no action is maintenable againſt the termor for the recouering of the freehold, for no freehold is in him. A Leaſe for term of peres is a chattell reall, and all goods which are remoueable are chattels perſonals.

Teſtament.

TEſtament, is thus defined in Maiſter Plowdens Commentaries, a teſtament is the witneſſe of the mind, & is compound of theſe two words, Teſtatio and mentis, which ſo ſignifieth, truth is, that a Teſtament is witnes of the minde, but that it is a compound word, Aulus Gellius in his vj. booke ca. 12. doth deny ꝑ ſame to an excellent Lawyer one Ser-

uius Sulpicius, and sayeth that it is a simple word, as are these, Calciamentum, Paludamentum, Pauiamẽtum, and diuers such like. And much lesse is Agreamentũ, a compound word of aggregatio and mentium, as is saide before in the title of Agreement, for there is no such latin word simple or compound: but it may neuertheless serue well for a law latin word.

And therefore thus it may bee better defined. A Testament is the true declaration of our last will, of that wee would to be done after our death, &c.

And of Testamentes there be two sorts, namely a Testament in writing, & a Testament by wordes, which is called a Nuncupatiue Testament.

The first is alwaies in writing, as is said.

The other is, when a man being sicke, and for feare least death or want of memorie, or of speech, should come so sodainelie and hastelie vppon him, that hee should be preuented if hee stayed the writ-

uius Sulpitius, & dit q̃ il est vn simple parol, come sont ceux, Calciamentum, Paludamentum, Pauiamentũ, & diuers tielx semblables. Et mult meines est Agreamẽtum, vn compound parol de aggregatio & mentium, come est dit en le title de Agreement, car il ny ad nul tiel Latin parol simple ou compound: mes il poit nient obstant serue bien pur vn ley latin parol.

Et pur ceo il poit issint este meliour define. Testamentum est vltimæ voluntatis iusta sententia de eo quod quis post mortem suam fieri vult &c.

Et de Testamentes il y ad deux sorts, cestascauoir vn Testament en escript, & vn Testament per parolx, q̃ est appel vn Nuncupatiue Testament.

Le primer est touts foits en escript, come est dit.

Le auter est, quaunt vn home esteant malade, & pur pauor que mort ou fayle de memorie, ou de parler, voit vener cy suddeinment & hastieuement sur luy, que il serra preuent si il demurt le scrip-

ture de son testament, request ses vicines & amies de porter tesmoigne de son darreine volunt, & donques declare ceo presentment per parolx deuaunt eux, que apres sont decease est proue per tesmoignes, & mis enscript per le ordinarie, & donques il est en cy bon force come si ceo ad al primer en le vie del Testator este mis en escript: sinon que il soit pur terres nient deuisable per custome.

Them.

THem, hoc est quod habeatis totam generationem villanorum vestrorum cum eorum sectis & cattallis vbicunque in Anglia fuerint inuenta, excepto quod si aliquis natiuus quiet' per vnum annum & diem in aliqua villa priuilegiata mãserit, ita quod in eorum communiam vel geldam tanquam vnus illorum repertus fuerit, eo ipso a villenagio liberatus est.

Theftbot.

THeftbote, est quant hõe prist ascun biens dun laron de luy fauorer & main-

ting of his Testament, desireth his neighbours and friendes to beare witnisse of his last will, and then declareth the same presently by wordes before them, which after his decease is proued by witnesses, and put in writing by the Ordinary, and then standeth in as good force as if it had at the first in the life of the Testatour bin put in writing: if it be not for landes not deuisable by custome.

Them.

THem, that is, that you shall haue all the generations of your villaines with thier suites and cattell wheresoeuer they shal be found in England, except that if any bondman shall remain quite one yere and a day in any priuiledged towne, so that he shall be receiued into their communaltie or guilde, as one of them, by that meanes he is deliuered from villenage.

424 *Theftbote.*

THeftbote, is whẽ a man taketh any goods of a theefe to fauor and maintaine

teine him: And not when a man taketh his owne goods that were stollen from him, &c.

The punishment in auncient time of Theftbote was of life and member. But nowe at this day Mast. Stamford saith, it is punished by raunsome and by imprisonment. But enquire further her, for I thinke it be felonie.

425 *Title.*

TItle, is where a lawfull cause is come vppon a mã to haue a thing which an other hath, and he hath no action for the same, as title of Mortmaine, or to enter for breach of condition.

426 *Title de Entre.*

TItle de Entre, is when one seised of land in fee maketh a feoffement therof vpon condition, and the condition is broken: Now after the condition thus broken, the feoffor hath title to enter into the land, and may so do at his pleasure, and by his entrie the freehold shall be said to be in him presently.

And it is called title of

teiner: Et nemy quaunt home prist ses biens demesne, q̃ fueront emblees de luy &c.

Le punishment en auncient temps de Thefebote, fuit de vie & de member: Mes a ore Mast. *Stamford* dit, que il est punish per raunsome & empriſonment. Sed quære car ieo pense ceo este felonie.

Title.

TItle, est lou loiall cause est veigne a vn home de auter chose que auter ad, & il nad ascun action pur ceo, come title de Mortmaine, ou de entre pur condition enfreint.

Title de Entre.

TItle de Entre, est quant vn seisie de terre en fee fait feoffement de ceo sur condition & le condition est enfreint: Ore apres le condition issint enfreint, le feoffour ad title de entre in le terre & issint poyt quaunt a luy pleist, & per son entrie le franktenemẽt serra dit en luy maintenant.

Et est appel title de

Entre, pur ceo que il ne poit auer briefe de Droit enuers sont feoffee sur cõdition, car son droit fuit hors de luy per le feoffement, le quel ne poit este reduce sans entrie, & le entre doit este pur le enfriender de le condition.

427 *Tolle, ou Tolne.*

TOlle ou Tolne, est plus properment vn payment vse en Cities, Villes, Markets, & Fayres, pur biens & chattel port la destre achate ou vende. Et est toutes dits destre pay per le achator, & nemy per le vendour, sinon que soit ascun Custome al contrarie.

Il y ad diuers auters Tols, come Turne toll, & ceo est lou toll est pay pur auers, queux sont diuers deste vendus coment que ils ne sont vendus.

Item Toll trauers, ceo est lou vn clayme dauer vn ob. ou tiel semblable Toll de chescun beast que est driue sur son terre.

Through Toll, est lou vn Ville prescribe de

Entre, because that he can not haue a writ of Right against his feoffee vppon condition, for his right was out of him by the feoffement, which cannot bee reduced without entrie, & the entrie must be for the breach of the condition.

Toll or Tolne.

TOll or Tolne, is most properly a payment vsed in Cities, Townes, Markets and Fairs, for goods and cattell brought thither to bee bought and sold. And is alwaies to be payed by the buyer and not by the seller, except there bee some custome otherwise.

There are diuers other Tolls, as Turne Toll, and that is where Toll is paide for beastes that are driuen to be sold, although that they bee not sold in deed.

Also Toll trauers, that is where one claymeth to haue a halfepenie, or such like Toll of euerie beast that is driuen ouer his ground.

Through toll is where a Towne prescribes to haue

haue Toll for euery beast that goeth through their towne, a certaine, or for euery score or 100. a certaine: which seemeth not to be so vnreasonable a prescription or custome, as some haue thought, although it be through the Queenes high way (as they call it) where euery man may lawfully go, if that there be one thing for an other: As if there be a bridge, or such like commoditie, prouided at the costes and charges of the Towne, for the ease of trauaylers that driue that way, whereby their iourney is either shortned or bettered, why then may not Toll be lawfully and with good reason demanded of them &c?

But diuers Citizens & townes men are free from paying Toll by graunt of the Queene or her auncestors, or doe claime the same by prescription or custome. So also spirituall persons & religious men (as they call them) were quit of paying Toll for their goodes & marchan-

auer Tolle pur chescun beast que ale through lour ville, vn certaine, ou pur cescun vint ou cent, vn certaine: que ne appiert deste ci vnreasonable prescription ou custom, come ascuns ont suppose, nient obstant il soit per le haute chimyn del Roigne (come ils ceo appelle) lou chescun poit loyalment passe, si y ad quid pro quo: Come si la soit vn pont, ou tiel semblable commoditie, puruey al costes & charges del ville, pur le ease de trauaylers que chase mesme voy, per que lour iourney est ou a-bridge ou fait le meliour, pur que donques ne poit toll este demande loyalment & oue bone reason de eux &c.

Mes diuers Citizens & Burgesses sont quite de payer toll per le graunt del Roigne, ou sa auncestors, ou claime ceo per prescription ou custome. Issint auxy espirituall persons & religious homes (come ils fuerõt appelles) fueront quite de toll pur lour biens & marchan-

dises

dises achate & vendus &c. Mes a ore le Statute del Roy Hen. 8. Añ 21. cap. 13. voit, que ils ne marchandisera.

Item Tenants en auncient demesne doyent este quite per tout le Realme de paier toll, come appiert deuaunt en le title Sokemans. Et en touts ceux cases ou toll est deste demaunde ou il ne doit este pay de eux que doient aler, achate & vende quite de tolle, la le partie ou parties greeue poyent auer vn briefe, De essendi quietum de tolonio, dire & a luy, ou ceux que issint demaunde tolle contra al graunt le Roigne ou sa progenitors, ou contra al custome ou prescription.

dises bought and sold &c. But now the Statute of king H. 8. añ 21. cap. 13. will, that they shall not marchandise.

Also Tenants en auncient demesne ought to be quite throughout ỹ whole realme of paying toll, as appeareth before in the title Sokemans. And in all these cases wher toll is demanded where it ought not to be paid of them that should go, buy and sell toll free, there ỹ partie or parties grieued may haue a writ, De essendi quietũ de tolonio, directed to him, or them that so demaunded toll contrarie to the Queene or her progenitors grant, or contrarie to custome or prescription.

428 *Treason.*

TReason, est en deux maners, ceste ascauoir, haute Treason, & petit Treason, come est ordeine per les statutes. Et ideo vide Statuta, & Stamford lib. 1. cap. 2.

Treason.

TReason, is in two maners, that is to say, graund Treason, & petit Treason, as it is ordeyned by the statutes. And therfore look the statutes, and Stamf. lib. 1. cap. 2.

429 *Treasure troue.*

TReasure troue, est quant ascun money, or, argent, plate, ou bolion, est

Treasure troue.

TReasure troue, is when any money, gold, siluer, plate, or bolion, is

found

found in any place, and no man knoweth to whom the propertie is, then the property therof belongeth to the King, and that is called Treasure troue, that is to say, treasure found. But if any Mine of metal be found in any ground, that alway pertayneth to the Lord of the soyle, except it be a mine of gold or siluer, which shalbe alway to the king in whose ground soeuer they be found.

troue en ascun lieu, & nul conust a que le propertie est, donques le propertie de ceo appertient al Roy, & ceo est dit Treasure troue. Mes si ascun Minerall de mettall soit troue en ascun terre, ceo touts foits pertient al Seignior del soyle, forsque que il soit mineral de or ou de argent, qux serront touts foits al Roy, en quecunque soyle que ils sont troues.

430 *Shirifes Tourne.*

SHirifes Tourne, is a court of record in all things that pertain to the Tourne. And it is the Queenes Leete throughout all the Cointie, & the Shirife is Iudge. And whosoeuer hath a Leete hath the same authority within the precinct, as the Shirife hath within the Tourne.

Tourne del Vicont.

TOurne del Vicont, est vn Court de record en touts choses que pertaine al Tourne. Et est le Leete le Roygne per tout le Countie, & le Vicount est Iudge. Et quecunque ad vn Leete ad mesme le authoritie deins le precinct, sicome le Vicont ad deins le Tourne.

V.

431 *Verderor.*

VErderor, is an officer in the Forrestes of the King, chosen by the freeholders of the Countie, where the Forrest is, by a writ of the king directed

V.

Verderor.

VErderor, est vn officer en les Forrestes del Roy, eslieu per les franktenants del Countie, lou le Forrest est, per briefe del Roy direct

al

al Vicount de ceo faire, come appiert per les liures del Regiſter, & del nature des brieſes, & ſont appelles en Latin *Viridarij*, come ſemble de le parol *Viride*, que eſt en Anglois *Greene*, en Francois *Verd*, car vn graund part de lour office eſt touchant le Verd, ceſtaſcauoir, le boys & herbes creſſant en le foreſt, pur quel veies pluis en le Charter & Leis del Foreſt.

to the Shirife to do it, as it appeareth by the bookes of the Regiſter, and of the nature of writs, and are called in Latine Viridarij, as it ſeemeth of the word Viride, which is in Engliſh Greene, in French Verd, for a great part of their office is touching the the Vert, to wit, the wood and graſſe growing in the foreſt, for which ſee more in the Charter & Lawes of the Foreſt.

432 *View.*

VIew, eſt quant aſcun action reall eſt port, & le tenaunt ne ſcauoit bien quel terre il eſt que le demandant demande, donques le tenant priera le view, ceſtaſcauoir, que il poit veier le terre que il clayma. Mes ſi le tenaunt ad ew le view en vn briefe, & puis le briefe eſt abatus per miſnoſmer de le ville, ou per iointenure, & puis le demaundaunt port vn tiel briefe vers le tenant, donques le tenaunt nauera le view en le ſecond briefe.

View.

VIew, is when any action real is brought, and the tenaunt knoweth not well what land it is that the demaundant aſketh, then the tenant ſhall pray the view, that is to ſay, that he may ſee the land which he claimeth. But if the tenaunt hath had the view in one writ, & after the writ is abated in miſnaming of the towne, or by iointenure, and after the demandant bringeth an other writ againſt the tenant, then the tenant ſhall not haue the view in the ſecond writ.

433 *Vi*

433 *Vi laica remouenda.*

VI laica remouenda, is a writ, and it lyeth where debate is betweene two Parsons or prouisors for a Church, & one of them entreth into the Church with great power of lay men, and holdeth the other out with force and armes, then he that is holden out shall haue this writ directed to the Shirife, that he remoone the power which is within the Church, and the Shirife shall be commanded, that if he find any men there withstanding, that the Shirife shal take with him the power of his Countie, if neede be, and shal arrest the bodies of al them him resisting, & shall put them in prison, so that he haue their bodies before the King at a certain day to answere to the contempt. And thys writ is retournable, & it shall not be granted before that the Bishop of the place where such a Church is, hath certified in the Chancery such resisting and force.

434 *Villenage.*

TO hold in pure Ville-

Vi laica remouenda.

VI laica remouenda, est vn briefe, & gist lou debate est perenter deux Parsons, ou prouisours dun Esglise, & lun enter en lesglise oue graunde power de lay homes, & tient lauter dehors oue force & armes, donques celuy q̄ est tenus dehors, auera le dit briefe direct al Vicount, que il remoua cest power que est deins lesglise, & serra commaunde al Vicount, que sil troue ascun homes luy resistant, que le Vicount prendera ouesque luy la poyar de son County, si besoigne soit, & ferra attache per lour corps touts ceux luy resistantes, & les mittera en prison, issint que il eyt lour corps deuant le Roy a certaine iour de responder del contempt. Et cest briefe est retournable, & ne serra graunt deuant que Leuesque del lieu lou tiel Esglise est, eyt certifie en le Chancerie tiel resistance & force.

Villenage.

TEner en pure Villenage,

nage, est a faire tout ceo, que le Seigniour luy voit commander.

Le diuision de Villenage, est villeine de sanke, & de tenure. Et il est villein de que son Seigniour prent redemption de sa file marrier, & soy mesme enfranchise, & le Seigniour put luy ouste de ses terres ou tenements a sa volunt, & auxy de touts ses biens & chateux.

Et nota bien, que Sokeman nest pas pure villein, ne villein doit pas gard, mariage, ne reliefe, ne faire auter seruices reals.

Et nota bien, que tenure en villenage ne ferra nul frank home villein, sil ne soit continue ouster le temps de memorie, ne villein terre ne ferra franke home villein, ne franke terre ne ferra villeine franke, sinon que le tenãt auoit continue frankment ouster le temps de memorie.

Mes vn villein ferra frank terre villein, per seisin, ou per claime de son Seigniour.

nage, is to do all that, that the Lord will him commaund.

The diuision of Villenage, is villein of blood, and of tenure. And he is a villein of whom the Lord taketh redemption to marie his daughter, and to make him free, and it is he whom the Lord may put out of his lands or tenements at his will, & also of all his goods & cattell.

And note well, that a Sokeman is no pure villein, nor a villein oweth not ward, mariage, nor relefe, nor to do any other seruices reals.

And note well, that the tenure in villenage shall make no free man villein, if it be not continued euer sith time out of minde, no villein land shall make no free man villein, nor free land shall make no villein free, except that the tenant haue continued free beyond the time of memorie.

But a villein shall make free land villein, by seisin, or by claime of the Lord.

And

And note well, that if a villein purchase certaine land, and take a wife and alien, and dyeth before the claim or seisin of the Lord, the wife shal be endowed.

And note well, that in case that the Lord bring a Precipe quod reddat against the alienee of his villein, which voucheth to warrant the issue of the villein which is villein to the Lord, he shall haue the voucher. And by protestation the Lord may (notwithstanding that he pled with his villein) saue that his villein shall not be infranchised.

And note well, that a Bastard shall neuer be iudged villein, but by knowledge in court of record.

And note well, that if debt be due by a Lord to a freeman, and he maketh two men his executors, the which be villeines to the said Lord, and dyeth, the villeines shall haue an action of Det against their Lord. And notwithstanding that he plead with them, and if he make pro-

Et nota bien, que si villein purchase certain terr, & prent feme & alien, & deuie deuant le claime ou seisin de son Seigniour, la feme serra endowe.

Et nota bien, que en case que le Seigniour port Precipe quod reddat enuers le alienee son villein, le quel vouch a garranter le issue de le villein que est villein al Seigniour, il auera le voucher. Et per protestrtion le Seigniour poit (non obstant que il plede oue son villein,) saue que son villein ne serra my enfranchise.

Et nota bien, que Bastard ne serra iammais adiudge villein, sinon per conusans en court de record.

Et nota bien, que si det soit due per vn Seigniour a vn fi ank home, & il face deux homes ses executors, les queux sont villeines al dit Seigniour & deuie, les villeines aueront action de Dette enuers lour Seignior. Et nient obstant que il plede ouesque eux, & il face protesta-

testation, ils ne serront pur tant enfranchise, pur ceo que ils sont a recouer le dette auantdit al vse de vn auter person, cestascanoir, al vse lour testator, & nient a lour vse demesne.

Et si le tenaunt en dower eyt vn Villeine, le quel purchase certaine terre en fee, & puis le tenaunt en dower enter, el auera le terre a luy & a ses heires a toutes iours. Et mesme le ley est de tenant a terme de ans de vn villein.

Et nota bien, que le Seignior poit robbe, naufrer, & chastiser son villein a son volunt: saluе que il ne poit luy maime, car donques il auera appeal de Maihem enuers luy.

Et nota bien, que vn villein poit auer trois actions enuers son Seignior, cestascauoir, vn appeal de mort son auncestor, vn appeal de rape fait a sa feme, & vn appeal de Maime.

Et nota bien, si deux parceners port briefe de Nieftie, & lan de eux soit nonsuit, le nonsuit de luy serra aiudge le nonsuit

testation, they shall not be ther by infranchised, for if they be to recouer the dete afozesaid to the vse of an other person, that is to say, to the vse of their testator, & not to their owne vse.

And if the tenant in dower haue a villein which purchaseth certeine land in fee, and after the tenant in dower entreth, she shall haue the land to her & to her heires for euermore. And the same law is of tenant for terme of yeres of a villein.

And note well, that the Lord may robbe, beat, and chastise his villein at his will: saue only that he may not mayme him, for then he shall haue an appeal of maime against him.

And note wel, that a villein may haue three actiõs against his Lord, that is to say, an appeal of the death of his auncestor, an appeal of rape done to his wife, & an appeal of maim.

And note well, if two parceners bring a writ of Nieste, and one of them be nonsuit, the nonsuit of him that be iudged the nonsuit

of

of them both, so that if that nonsuit bee after appearance, they shall be barred from that action for euer, for the law is such in fauour of libertie.

And note well, if two haue a villeine in comm̃, & one of them make to him a manumission, he shal not be made free against both.

And note well, that in a writ de Natiuo habẽdo, it behoueth that the Lord shew how the defendaunt commeth to bee priuie of the blood of the villeine of whom he is Lord &c. And if he nor none of his auncestors were not seised of none of his blood, he shall not win by his actiõ, if the villeine haue not knowledge in court of Record himselfe to be his villein.

And note well, that in a writ of Nieftie may not bee put more Nieues then two onely, and this was first brought in the barred of bondage. But in a writ de Libertate probãda, may be put as many nieues as the plaintife will.

And note well that if the villeine of a Lord bee

de ambideux, issint que si le nonsuit soit apres appearance, ils serut barred de cest actiõ a touts iours, car la ley est tiel in fauorẽ libertatis.

Et nota bien, si deux ont vn villein en cõmon, & lũ de eux fait a luy vn manumission, il ne serra my enfranchise enũs ambideux.

Et nota bien, que en brief de Natiuo habendo, il couient que le Seigniour monstre coment le def. aueigna priuie de sanke a celuy villeine de que il est Seignior, &c. Et si il ne nul de ses auncestors ne soit seisie de nul de son sanke, il ne gainera per son action, si le villeine nad pas conus en court de Record luy estre son villein.

Et nota bien, que en vn briefe de Nieftie ne purront estr̃ mis pluſors nifes que deux tantsolement, & hoc intraductum fuit prius in odium seruitutis. Mes en brief de Libertate probanda, purront estre mis tãts nieues come le plaintife voudra.

Et nota bien, que si le villeine de Seigniour soyt

ſue en auncient demeſne del Roy, ou auter ville Priuiledge, deyns lan & iour, le Seigniour poyt luy ſeiſer, & ſil demurt en la dit ville ou lieu fraunchiſe per vn an & vn iour ſans le ſeiſin de ſon Seignour, il nad my power de luy ſeiſer apres, ſi il ne va dehors le ſuiſdit franchiſe.

Et aſcuns ſont villeines per title de Preſcription, ceſtaſcauoir, que tout lour ſanke ont eſte villeins regardants a le mannor dun Seigniour de temps dont memory ne court.

Et aſcuns ſont fait villeins p lour confeſſion en vn court de record. Auxy le Sãr poit faire vn manumiſſion a ſon villein & luy infranch. a touts iours.

Auxy ſi le villeine port aſcun action vers ſon Sãr, ſi ne ſoit appel de maihim, & le Seigniour a ceo ſans proteſtation fait reſpons, donques per ceo le villein eſt franches.

Auxy ſi vn villeine purchaſe terre, & ad biens & vend les tres & biens deuant aſcun entre ou ſeiſin

fled in ancient demeſne of the king, or other Towne priuiledged, within a yere and a day, the Lord may ſeiſe him, and if hee dwell in the ſame towne or other place fraunchiſed by a yere and a day without ſeiſin of the Lord, hee hath no power to ſeiſe him after, if he goe not out of the foreſaid franchiſe

And ſome be villeins by title of Preſcriptiõ, that is to ſay, that all their blood haue beene villeines regardants to the manor of the Lorde from time out of mind.

And ſome be made villeins by their confeſſion in a court of record. Alſo the Lord may make a manumiſſion to his villeine, and make him free for euer.

Alſo if the villein bring ane action againſt his Lord, if it be not Appeale of mahim, and the Lord without proteſtatiõ make anſwere vnto it, then by this ẽ villein is made free.

Alſo if a villeine purchaſe land, & hath goods and ſel the goods & lands before any entre or ſeiſin made

made by the Lord, the sale is good. But the King which is Lord of a villein such case may enter and seise the land after such sale made, for no time runneth against the king.

435 *Viscount.*

VIscount, is eyther the name of one degree or state of honour vnder an Earle or aboue a Baron, or else the name of a Magistrate and Officer of great authoritie whome we commonlie call (Shrife) or to speake more truelie (Shire reue) and was at the first called (Shiregereue) that is to say the keeper of the shire, or the reue or ruler of the Shire, for (Gereue) being deriued of the Saxon worde (Gereetean) to rule, was first called Gerefa) and then (Gerefa) which betokeneth a ruler.

And herevk commeth (Portreue, or Portgreue) a name that in olde time was giuen to the head officer of a Towne, and signifieth the Ruler of the Towne, for that (Port) coming of the Latine

fait per le Seigniour, la vend' est bon, mes le Roy que est Seigniour de villein en tiel case poit enter & seiser le terre apres tiel vendic' fait', quia nullum tempus occurrit regni.

Viscount.

VIscont, est ou le nosme de vn degre ou state de honour soubs vn Countee & paramont vn Baron, ou le nosme de vn Magistrate & officer del graund authority que nous communement appellomus (Shirife) ou de parler plus verayment (Shire reue) & fuit al primes appel (Shire gereue) cest a dire custos comitatus, ou le reue ou ruler del Countie, car (Gereue) esteant deriue de Saxon parol (Gereetean) pur rule, fuit al primes appel Gerecfa) & donques (Gerefa) que betoken vn ruler. Et de ceo vient (Portreue ou Portgreue) vn nosme que en viel temps fuit done al chiefe officer dun ville, & signifie le gouernour del ville, p ceo q (Port) veniens de le latine

parol (*Portus*) ſignifie vn port ville, & (Gereue) eſteant deriue come eſt auantdit ſignifie vn ruler, iſſint que Portgereue, ou come nous a ore bṁẽt parl ceo (Portreue) eſt le gouerner del ville

Et iſſint fuit le chiefe officer ou gouernor del city de Londres longe temps paſt (deuaunt que ils ad le noſme del Maior ou Baylifes) appel, come il appiert en diuers vieulx Monuments: Mes principalment en le Saxon Charter de Guilliam Baſtarde le Conquerour, que iſſint commence.

William le King greit William Biſceop, & Godfrcy Ges port Gerefant, and dalle tha Burwarren the on London beon, &c.

Iſſint ils de Germanie (de que nous & noſtre language enſemble primerment vient) appel enter eux vn gouernour Burgreeue, vn auter Margreeue, & vn auter Landſgreeue, oue tielx ſemblables, &c.

Ceſt tant eſt dit tantſolement pur monſtre le droit

word (Portus) ſignifieth a Port towne, & (Greeue) being deriued as is afore ſaid ſignifieth a ruler, ſo that Portgreeue, or as we now ſhorter ſpeak it (Portreue) is the ruler of the Towne.

And this was the head Officer or Gouernour of the Cutie of London long ſince (before they had the name of Maior or bailifs) called, as it doth appeare in diuers old monuments. But chiefly in the Saxon Charter of William Baſtard the Conquerour, which this beginneth.

William the king greeteth William the Biſhop & Godfrey the Portreeue, and alſo the Cttizens that in London be &c

So alſo they of Germanie (from whom we and our language together firſt came) call among them one gouernor Burgreeue, an other Margreeue, and an other Landſgreeue, which ſuch like &c.

Thus much is ſaid onlie to ſhewe the right

Etymon

Etymon and antiquitie of the word (Shirife) to which officer our common Law hath alwaies accordingly giuen great trust and authoritie, as to bee a speciall preseruer of the peace. And therefore all obligations that he takes to the same end, are as recognisances in law.

Hee also is a Judge of record when he holds the Leets or Turnes which are Courts of record.

Also hee hath the execution and returne of writs, & impanelling of Juries, and such like &c.

436 *Volunt.*

VOlunt is, when the tenant holdeth at the wil of the lessor, or of the Lord and that is in two manners.

One is, when I make a lease to a man of lands, to hold at my will, then I may put him out at my pleasure: But if hee sow the ground, & I put him out, then he shall haue his corne, and going out and comming in till they bee ripe to cut and carrie out of the ground.

Etymon & antiquitie del parol (Shirife) a quel officer nostre common Ley ad toutes foits accordant done graund confidence & aucthoritie, come destre vn speciall preseruer del peace. Et p̄ ceo touts obligations q̄ il prist a mesme le purpose, sont come Recognisans en ley.

Il auxy est vn iudge de record quaunt il tient les Leets ou Turnes, les q̄ux sont Courts de record.

Item il ad le execution & retourne des briefes, & empannelling des Iuries, & tiels semblables.

Volunt.

VOlunt est, quaunt le tenant tyent a la volunt del lessor ou del Seignior, & ceo est en deux manners.

Vn est, quant ieo face lease a vn home de terres, a tener a ma volunt, donques ieo puis le ouster a mon pleasure: Mes si il emblee le terre, & ieo luy ousta, donques il auera son embleement, & egreesse & regresse iesques ils sont mature p̄ eux scier & carrier hors del terre.

Et tiel tenaunt a volunt neſt pas tenus de ſuſtainer & repairer le meiſon ſicome tenaunt a terme de ans eſt tenus: Mes ſi il fait voluntarie waſte, le leſſour auera vers luy vn action de Treſpas.

Auxy la eſt auter tenant a volunt del Seigniour per copie de Court Rolle ſolonque le cuſtome del manor: Et tiel tenant poyt ſurrender le terre en les maines le Seigniour per le cuſtome al vſe vn auter pur terme de vie, ou en fee ſimple, ou fee taile, & donques il prendra le terre del Seigniour ou ſon Seneſchal per copie, & ferra fine all Seigniour: Mes ſi le Seigniour ouſta tiel tenant, il nad remedie mes de ſuer per petition, & ſi tiel tenaunt voile emplede vn auter des terres &c. il couent enter vn plaint en le court, & coũtera en le nature de quel brief il voit, ſicome le caſe giſt.

437 *Voucher.*

VOucher, eſt quant vn Præcipe quod reddat de terre eſt port vers vn

And ſuch tenant at will is not bound to ſuſtaine & repaire the houſe as a tenaunt for terme of yeares is bound: but if hee make wilfull waſt, the leſſor ſhal haue againſt him an action of Treſpas.

Alſo there is an other tenant at will of the Lord by copie of Court Rolle according to the cuſtome of the Manor: And ſuch a tenant may ſurrender the lands into the hãds of the lord by cuſtome, to the vſe of another for term of life, or in fee ſimple, or in taile, and then he ſhall take the Land of the Lord, or his Steward by copie, and ſhal make fine to the lord: But if the Lorde put out ſuch a tenant, hee hath no remedie but to ſue by petition, & if ſuch a tenant will implede an other of the lands &c. hee ought to enter a plaint in the Court, & ſhall declare in the nature of what writ he will, as the caſe lyeth.

Voucher.

VOucher, is when a præcipe quod reddat of land is brought againſt a man,

man, and another ought to warrant the land to the tenaunt, then the tenaunt shall vouch him to warrãty, & therupon he shal haue a writ called Summoneas ad warrantizandũ: And if the Shirife retourne that hee hath nothing by the which hee may be summoned, thẽ there shal go forth a writ called Sequatur sub suo periculo, & when he cõmeth hee shall plead with the demãdant, & if he come not, or if he come & cannot bar the demandant, thẽ the demaundant shall recouer the land against ꝑ tenant, and the tenant shall recouer as much land in value against the vouchee, and thereupon he shall haue a writ called Capias ad valentiã against ꝑ vouchee.

Looke more of voucher before in the title garrantie.

438 *Vses.*

VSes of Land had beginning after that the custome of property began amõg men: As where one being seised of landes in fee simple, made a feoffement to another without

home, & vn auter doyt garrant le terre al tenaunt, donques le tenaunt luy vouchera a garrantie, & sur ceo il auera vn briefe appel Summoneas ad warrantizandum: Et si le Vicount retourne que il nad riens per que il poyt este summon, donques isera briefe appel Sequatur sub suo periculo, & quant il vient il perdera ouesque le demaundant, & si il vient & ne poyt barre le demaundaent donques le demaundaunt recouera la terre vers le tenaunt, & le tenant recouera tant de terre en value vers le vouchee, & sur ceo il auera vn briefe appel Capias ad valentiam vers le vouchee.

Vide pluis de Voucher deuaunt titulo Garrantie.

Vses.

VSes de terre ad son cõmencement apres q̃ le custome de property commẽce enter homes: Come ou vn esteant seisie de terres en fee simple, fait vn feoffemẽt al vn auter sans

aſcun conſideration, mes ſolement meaning que le auter ſerroit ſeiſie al ſon vſe, & que il meſme voile prender le commoditie & profits de les terres, & que le feoffee doit auer le poſſeſſion & franktenement de ceo al meſme le vſe &c.

Ore apres ceo ſur bone conſiderations, & pur auoider diuers miſchiefes & inconueniences, fuit le Statute de An. 27. H. 8. C. 10. puruiew, quel vniter le vſe & poſſeſſion enſemble, iſſint que il que ad le vſe de terre, il meſme ad le poſſeſſion de ceo, accordant al vſe que il auoyt en ceo per vertue de ceſt eſtatute.

439 *Vſurie.*

VSurie, eſt vn gaine de aſcun choſe ouſter le principal on ceo que fuit lent, exact ſolement en conſideration de le loā, ſoyt il de Corne, Viande, Apparrel, Wares, ou tielx ſemblables, come de money.

Et icy mult poyt eſtre dit, & diuers caſes

any conſideratiō, but only meaning that the other ſhould be ſeiſed to his vſe, & that hee himſelfe would take the comoditie & profits of the lands, and that the feoffee ſhould haue the poſſeſſion and franktenement thereof to the ſame vſe &c.

Now after this vpon good conſiderations, and to auoid diuers miſchiefes and inconueniences, was the Statute of Anno 27. H. 8. Cap. 10. prouided, which vniteth the vſe and poſſeſſion together, ſo that who hath the vſe of the land, the ſame hath the poſſeſſion thereof, according to the vſe he hath therein by vertue of that eſtatute.

Vſurie.

VSurie, is a gaine of any thing aboue the principall, or that which was lent, exacted only in conſideration of the loane, whether it bee of Corne, Meat, Apparel, Wares, or ſuch like, as of money.

And here much might bee ſaide, and many caſes might

might be put concerning Vsurie, which of purpose I omit, onely I wish, that they who accompt themselues religious and good Christians would not deceiue them selues by colour of the statute of Vsurie, because the statute saith that it shall not be lawfull for any to take aboue x.li. in the C.li. for a yeare &c. whereby they gather (although falsely,) that they may therefore take x. pound for the loan of an C.li. with a good conscience, because the statute doth after a sort dispence withall (for that it doth not punish such taking,) which thing it cannot doe with the Lawes & ordinances of God, for God will haue his decrees to bee kept inuiolable, who saith, lend, looking for nothing, thereby &c. By which words is excluded, either the taking of x.l.v.l. pea, or one peny aboue the principall. But rather let such think, that that Statute was made vpon like cause, that moued Moyses to giue a bill

poyent estre mis concernants Vsurie, le quel de purpose ieo omit, solemẽt ieo pria, que ceux que accompt eux mesmes religious & bone Christians ne voylent deceiue eux mesmes per colour de le Statute de Vsurie, pur ceo que le statute dit, que il ne serra loyal pur ascun de prender ouster x.li. en le C.li. pur vn an &c. per que ils collect (mes fauxemẽt) que ils poyent per ceo prender x.li. pur le loane dun C.li. oue vn bon conscience, pur ceo que le statute solonque vn maner dispence oue ceo, (pur ceo que il ne punishe tielx prendors) quel chose il ne poit faire oue les leyes & ordinances de Dieu, car Dieu voile auer ses decrees obserue inuiolable, que dit, lend, expectans pur nul chose pur ceo &c. Per queux parolx est exclude, le prisel de x.li. v.li. ou de vn denyer ouster le principall. Mes plus pensant tiels que ceste Statute fuit fait sur tiel semble cause, que moua Moyses de doner vn bill

de

de diuorce a les Israelites, come nosmement, pur auoyder yn greinder mischiefe, & pur le duritie de lour ceurs.

440 *Vtlarie.*

VTlarie, est quant vn Exigent issist vers ascun home de appearer en ascun Court de faire respons al ascun action ou indictment, & proclamation fait en v. Counties, donques a le v. countie si le defendant ne appeare, donques le Coroner donera iudgement que il serra hors de protection de Roy, & hors del eyde le ley.

Et per tiel vtlarie en actions personels le partie vtlage forfeitera touts ses biens & chateux al Roy.

Et per vtlarie en felonie il forfeitera auxybn touts ses terres & tenemēts que il ad en fee simple, ou pur terme de sa vie, come ses biens & chateux.

Auxy mesque vn home soit vtlage, vncore si ascun discontinuance ou errour sout en la suit del proces, le partie de ceo auera la

of diuorce to the Israelites, as namely to auoide a greater mischiefe, and for the hardnes of their hearts.

Vtlarie.

VTlarie, is when an exigent goeth forth as gainst any man, to appear in any Court to make answere to any action or indictment, and proclamation made in fiue Counties, then at the v. countie if the defendant appeare not, then the Coroner shal giue iudgement that hee shall be out of the protection of the king, and out of the eyde of the law.

And by such an vtlary in actions personels the partie outlawed shall forfait all his goods and cattels to the king.

And by an vtlarie in felony he shal forfait aswell all his lands & tenements that he hath in fee simple, or for terme of his life, as his goods and cattels.

Also though a man be outlawed, yet if any error or discontinuance be in the suit of the proces, the partie thereof shall haue aduan-

aduantage, and for such cause the vtlarie shalbe reuersed and adnulled.

Also if the partie defendant be ouer the sea at the time of ỹ vtlary pronounced, that is a good cause of the reuersal of the vtlarie.

Also if an Exigent be awarded against a man in one cõtie where he dwelleth not, yet an exigẽt with proclamatiõ shall go forth to the Countie where he dwelleth, or els if he be thereupon outlawed, the vtlary may be reuersed, as it appeareth by the statute made the 6. & 4. yeare of king H. 8. cap. 4.

Also if a man be outlawed in an action personal at the suit of an other, & after he purchase his Charter of pardon of the king, such charter shall neuer be allowed, til he hath sued a writ of Scire fac. to warne the party plaintife, & if he appeare, then the defẽdant shall answer him, & barre him of his action, or else to make agreemẽt with him.

441 *Vtrum.*

VTrum, is a writ, and it lyeth when the right of

aduantage, & pur tiel cause lutlagarie serra reuerse & adnulle.

Auxy si le partie defendant soit ouster la mere al temps del vtlagarie pronounce, ceo est bon cause de reuersal del vtlarie.

Auxy si vn Exigent soit agarde vers vn home en vn countie lou il ne demurra pas, vncore vn exigent oue proclamation issera al countie lou il demurre, ou auterment sil soit sur ceo vtlage, vtlagarie poit este reuerse, come appiert per lestatute fait Anno 6. & 4. Henrici 8. cap. 4.

Auxy si vn soit vtlage en action personal al suit dun auter, & puis il purchase son Charter de pardon de Roy, tiel charter ne serra iammais allowe, tanque il ad sue vn briefe de Scire facias de garñle pty plaintife, & si il appeare, donqs le defendant respondera a luy, & luy barrer de sa action, ou auterment de faire agreement ouesque luy.

Vtrum.

VTrum, est vn briefe, & gist quant le droit de

ascun

aſcun Eſgliſe eſt aliene & tenus en lay fee, ou tranſlate en poſſeſſion dauter Eſgliſe, & le alienour deuie, donques ſon ſucceſſor auera le dit briefe, per que vn enqueſt ſerra charge de trier vtrum ſit libera eleemoſina eccleſiæ vel laicũ feodum.

Et nota que nul que ad couent or common ſeale, poit mainteiner ceſt brief, mes briefe de Entre ſine aſſenſu capituli de alienation fait per ſon predeceſſour.

any Church is alened & holden in lay fee, or tranſlated into the poſſeſſion of an other Church, and the alienour dyeth, then his ſucceſſor ſhal haue the ſaid writ, whereby an inqueſt ſhall be charged to trie whether it be ꝑ free almes of the Church or lay fee.

And note well that none that hath Couent, or common ſeale, may maintaine this writ, but a writ of Entre ſine aſſenſu capituli of the alienation made by his predeceſſor.

W.

442 *Waiſe.*

WAiſe, eſt quant vn laron ad felonioufment emblee biens, & eſteant neerement purſue oue hue & crie, ou autrement ſurcharge oue le burden ou trouble des biens, pur ſon eaſe & plus ſpeedie trauaile, ſans hue & crie, fuia & waiua les biens ou aſcun part de eux arrere luy &c. donques le officer del Roigne, ou le Reeue ou Bailife al Seigniour del manor (deins que iuriſdiction ou cir-

W.

Waiſe.

WAiſe, is when a theefe hath felonioufly ſtolen goods, & being neerely followed with hue and crie, or els ouercharged with the burden or trouble of the goodes, for his eaſe ſake and more ſpeedie trauayling, without hue and crie, flieth away and leaueth the goods or any part of them behind him, then the K. officer or the Reeue or Baylife to the Lord of the manor (within whoſe iuriſdiction or cir-

cir-

cuit they were left) that by preſcription, or graunt from the Queene hath the fraunchiſe of waife, may ſeiſe the goods ſo waiued to their Lords vſe, who may keepe them as hys own proper goods, except that the owner come with freſh ſuit after the felon, and ſue an appeal, or giue in euidence againſt him at his arraygnement vpon the indictment, and be attainted thereof &c. In which caſes the firſt owner ſhall haue reſtitution of his goods ſo ſtollen and waiued.

But although as hath been ſaid, Waife is property of goods ſtollen, yet waife may be alſo the goods that are not ſtoine: As if a man be purſued with hue and crie, as a felon, and he flyeth, & leaueth his owne goods &c. theſe ſhall bee taken as goods waiued, & forfait as if they had been ſtoine.

443 *Waiue.*

WAiue, is a woman that is outlawed, & thee is called waiue, as left out or forſaken of the law, and

cuit ils fueront waife) que per preſcription, ou graunt del Roign ad le fraunchiſe de waife, poyent ſeiſer les biens iſsint waife al vſe de lour Seignlours, que poit retaine eux come ſes proper byens, ſinon que le owner vient ouesque freſh ſuit apres le felon, & ſue vn appeal, ou done en euidence enuers luy al ſon arraignement ſur le indictment, & il attaint de ceo &c. En queux caſes le primer owner auera reſtitution de ſes byens iſsint emblee & waife.

Mes nient obſtant come ad eſte dit, waife eſt properment de byens emblees, vncore waife poit eſte auxy de byens nient emblees: Come ſi vn hõe ſoit purſue ouesq; hue & crie, come vn felon, & il fue & relinquiſh ſes biens demeſn &c. ceux ſerk priſe come biẽs waife, & forfait come ſils ad eſte emblees.

Waiue.

WAiue, eſt vn feme que eſt vtlage, & el eſt appelle waiue, quaſi relicta à lege, & nemy

nemy vlage come home eſt: Car femes ne ſont iures en Leetes al Roigne, ne al Ley, come homes ſont, queux pur ceo ſont deins le ley, lou femes ne ſont, & pur ceſt cauſe ils ne poyent eſte dit vtlage, entant que ils ne vnques fueront deyns ceo.

Mes vn home eſt dit vtlage, pur ceo que il fuit vn foits iure a le Ley: Et a ore pur contempt il eſt mis hors del ley, & dictus vtlagatus, quaſi extra legem poſitus.

444 *Warwit.*

WArwit, (ou Wardwit /come aſcuns copies ad ceo) hoc eſt quietum eſſe de denarijs dandis pro wardis faciendis.

445 *Waſt.*

WAſt, eſt lou tenant a terme dans, tenant a terme de vie, ou tenant pur terme dauter vie, tenant en dower, ou tenant per le curteſie, ou Gardeine en chiualrie fait waſt ou deſtruction ſur la terre, ceſt aſcauoir, ſil debruſa meaſon, ou coupe meriſme, ou

not an outlaw as a man is: For weomen are not ſworne in Leetes to the Queene, nor to the Law, as men are, who therefore are within the law, whereas women are not, and for that cauſe they cannot be ſaid outlawed, inſomuch as they neuer were within it.

But a man is called vtlaw, becauſe that he was once ſworne to the Law: And now for contẽpt he is put out of ỹ law, & is called vtlaw, as one ſhold ſay without beneſit of the law.

Warwit.

WArwit, (or Wardwit as ſome copies haue it) that is to be quite of giuing of money for keeping of wardes.

Waſt.

WAſt, is where tenant for terme of yeares, tenant for terme of life, or tenant for terme of an others life, tenãt in dower, or tenãt by the curteſie, or gardein in chiualrie doth make waſt or deſtruction vpon ỹ land, that is to ſay, pulleth down the houſe, or cutteth downe tymber, or

ſuffe-

ſuffereth the houſe wilfully to fall, or diggeth the ground, then he in the reuerſion ſhall haue one writt for that waſt, & ſhall recouer the place wher the waſt is done, & treble damages. And if a man cut down timber without licence, & therwith repaireth old houſes, yet that is no waſt. But if he with the timber build a new houſe, then the cutting downe of ſuch timber is waſt. Alſo the cutting downe of vnderwood or wyllowes, which is no tymber, ſhall not be ſaid waſt, but if they grow in the ſight or ſhadow of the houſe.

ſuffer le meaſon voluntary pur eſchier, ou foder la terre, donques ceſty en le reuerſion auera vn briefe pur ceſt waſt, & recouera de lieu ou le waſt fuit fait, & treble dammages. Et ſi home coupe meriſme ſans licence, & oueſque ceo repaire les auncient meaſons, vncore ceo neſt pas waſt. Mes ſi il oueſque le meriſme edifia vn nouel meaſon, donques le couper de tiel meriſm eſt waſt. Auxy le couper de ſubbois ou wyllowes, que neſt pas meriſme, ne ſerra dit waſt, ſinon que ils creſſant en le view ou ſcite del meaſon.

446 *Wrecke.*

WRecke, or Varech, as the Normans from whom it came call it, is where a ſhip is periſhed on the Sea, and no man eſcapeth a liue out of the ſame, and the ſhip, or part of the ſhip ſo periſhed, or the goodes of the ſhip come to the land of any Lord, the Lord ſhall haue that as a wrecke of the Sea. But if a man, or a dog, or cat, eſcape a liue,

Wrecke.

WReck, ou varech come les Normans de que il vient appellont ceo, eſt quant vn nieſe eſt periſhe ſur le mere, & nul home eſcape viue hors del nieſe, & le nieſe, ou part del nieſe iſsint periſhe, ou les biens del nieſe vient al terre daſcun Seigniour, le Seigniour les auera come vn wreck de le Mere: Mes ſi vn home, ou vn chien, ou chate, eſcape viue,

iſſint

iſſint que le partie a que les biens ſont veign deins lan & iour, & proue les biens deſtre ſes, il auera eux arrere, per prouiſion del ſtatute de Weſtminſtr. le primer cap. 4. fait en les iours del Roy Edw. 1. que en ceo followed le decree de Henry le primer, deuant que iours, ſi vn nieſe ad eſtre iect ſur le ſhore, come oue tempeſt, & nemy repaire per eux que eſcapont en vie deins vn certaine temps, que donques ceo ſuit priſe come Wrecke.

447 *Withernam.*

WIthernam, Vide de ceo deuant titulo Diſtreſſe.

448 *Warren.*

WArren, eſt vn lieu priuiledged per preſcription ou graunt del Roigne pur le preſeruation del leuerets, cunicles, perdices, & pheſants, ou aſcun de eux.

ſo that the partie to whom the goodes belong come within a peare and a day, and proue the goods to be his, he ſhall haue them again; by prouiſion of the ſtatute of Weſtm the firſt cap. 4. made in king Ed. 1. dayes, who therein followed the decree of Henry the 1. before whose dates, if a ſhip had been caſt on ſhore, borne with tempeſt, & were not repaired by ſuch as eſcaped a liue within a certain time, that then this was taken for Wrecke.

Withernam.

WIthernam, Look therfore in the title Diſtreſſe.

Warren.

WArren, is a place priuiledged by preſcription or graunt of the Queene for the preſeruation of hares, conyes, partridges, and pheſants, or any of them.

FINIS.